

order that the motion by Senator Phillips is out of order because the same motion to suspend the Constitutional 3-day Rule on H. B. 11 had been made and defeated on the same Legislative Day.

The Presiding Officer (Senator Hardeman in the Chair) over-ruled the point of order.

Question recurring on the motion to suspend the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days, the motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Wood
Lane	

Nays—2

Fly	Rogers
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Absent

Willis

Absent—Excused

Weinert

The Presiding Officer laid before the Senate on its third reading and final passage the following bill:

H. B. No. 11, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, providing for the licensing of persons, firms and corporations who engage in that business in any county having within its boundaries a city with a population of 350,000 inhabitants according to the last preceding Federal Census, providing certain penalties, and declaring an emergency."

The bill was then read third time and passed.

Conference Committee on
House Bill 433

The Presiding Officer announced

the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 433:

Senators Bracewell, Herring, Lane, Bradshaw, and Phillips.

Adjournment

On motion of Senator Martin the Senate at 5:35 o'clock p.m. adjourned until 10:30 o'clock a.m. on tomorrow.

SEVENTY-THIRD DAY

(Thursday, May 23, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Aikin.

Message from the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 22, 1957.

To the Members of the Fifty-fifth
Legislature:

In accordance with the provisions
of House Concurrent Resolution No.
128, I am returning herewith House
Bill No. 320.

Respectfully submitted,
PRICE DANIEL.

Bill Signed

The President Pro Tempore signed
in the presence of the Senate after
the caption had been read, the fol-
lowing enrolled bill subject to the
provisions of Section 49A of Article
III of the Constitution of the State of
Texas:

H. B. No. 320, A bill to be entitled
"An Act making an appropriation to
pay the principal due thereon of a
certain judgment obtained against
the State of Texas in Cause No.
104,974, styled Southern Minerals
Corporation vs. The State of Texas in
the 126th Judicial District Court of
Travis County, Texas, according to
the tenor, effect and reading of such
judgment; and declaring an emer-
gency."

Message from the House

Hall of the House of Representatives,

Austin, Texas,
May 23, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following:

The House has granted the request
of the Senate for the appointment of
a conference committee on H. B. No.
433.

The House has appointed the fol-
lowing Conference Committee on H.
B. No. 433:

Spilman, Kennard, Smith of Hays,
Sandahl, and Hale.

The House refused to concur in
Senate amendments to House Bill No.
558 and has requested the appoint-
ment of a Conference Committee to
consider the differences between the
two Houses.

The House has appointed the fol-

lowing Conference Committee on H.
B. No. 558:

Spilman, de la Garza, Thurmond,
Laurel, Murray.

S. B. No. 397, A bill to be entitled
"An Act to provide for the acqui-
sition of certain lands, buildings and
structures; to provide for the equip-
ping, operating and maintaining of
buildings; providing for the issuance
and sale of revenue bonds or notes by
the State Building Commission; pre-
scribing the powers, duties and limi-
tations of the State Building Commis-
sion in regard to the acquiring of cer-
tain lands and the equipping, operat-
ing and maintaining of buildings and
the issuance and sale of such nego-
tiable revenue bonds or notes; pre-
scribing the powers, duties and limi-
tations of other officials and agencies;
defining certain terms; making other
provisions relating to the issuance
and sale of such negotiable revenue
bonds or notes; declaring such bonds
or notes to be legal and authorized
investments for certain institutions
and certain political subdivisions and
public agencies of the State and other
governmental agencies; providing
that the bonds shall be sufficient se-
curity for all deposits of state funds
and of all funds of any agency or
political subdivisions of the State,
counties, school districts, cities or other
municipal corporations or subdivi-
sions; authorizing the State Build-
ing Commission to rent or lease cer-
tain properties and to pledge the rev-
enue to be obtained to the payment
of the bonds; making other provisions
relating thereto; prescribing certain
powers, duties, authority and func-
tions of various officials in regard to
carrying out the provisions of this
Act; providing a severability clause
and declaring an emergency."

S. B. No. 229, A bill to be entitled
"An Act creating a Texas Council on
Migrant Labor; providing for its
operation; setting out its duties and
powers; providing for the establish-
ment of an office and the appointment
of an executive director and other
employees; and declaring an emer-
gency."

(With amendment.)

S. B. No. 175, A bill to be entitled
"An Act providing for the budgeting,
accounting and reporting by any and
all independent school districts,

whether created under General or Special Law, of school funds estimated, received and disbursed; providing for the preparation of budgets covering proposed expenditures and the form and content of such budgets; providing for hearing on all such budgets, and for the adoption of such school budget; providing for the filing of such budgets, and reporting of receipts and expenditures for preceding year and restricting school expenditures; providing for amendment and supplementary budgets and the filing thereof, designating budget and deputy budget officer; providing the adoption and installation of a standard school fiscal accounting system based on at least minimum prescribed requirements; providing for review of budgets and fiscal reports by Texas Central Education Agency; prescribing penalties for violation of this Act; specifically repealing Section 18 of House Bill 768, Acts of the 42nd Legislature, Regular Session (Art. 689a-17, V. C. S.); repealing all laws and parts of laws insofar as they conflict herewith; containing a savings clause; and declaring an emergency."

S. B. No. 333, A bill to be entitled "An Act requiring storage garages and other similar businesses to report the identity of motor vehicles remaining in storage more than thirty days where there is not a continuing contract of storage with a known individual; providing a penalty for the violation of this Act; and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act providing for the budgeting, accounting and reporting by and for common and rural high school districts of school funds estimated, received and expended; providing for the preparation of budgets covering proposed expenditures and the form and content of such budgets; providing method for filing protests concerning such budgets and for the adoption of such budgets; providing for the filing of such budgets and reports on receipts and expenditures for the preceding year and restricting school expenditures; providing for amendment and supplementary budgets and the filing thereof; designating the budget officer; providing for the adoption and installation of a standard school fiscal accounting system based on at least minimum prescribed requirements; providing for review

of budgets and fiscal reports by the Texas Central Education Agency; prescribing penalties for violation of this Act; specifically repealing Section 19 of House Bill 768, Acts of the 42nd Legislature, Regular Session, 1931 (Art. 689a-18, V. C. S.); repealing all laws and parts of laws insofar as they conflict herewith; containing a savings clause; and declaring an emergency."

S. C. R. No. 39, Requesting the Texas Legislative Council to make a study of the physically and mentally retarded youth in the State.

S. C. R. No. 92, Urging Congress to enact legislation providing for judicial review embodied in S. 1629.

S. C. R. No. 91, Interposing the sovereignty of Texas against encroachment upon the reserved powers of this State.

The House has concurred in Senate amendments to H. J. R. No. 36 by vote of 110 ayes, 0 noes.

H. C. R. No. 129, Authorizing the Enrolling Clerk of the House to make certain corrections on H. B. No. 70.

H. C. R. No. 131, Suspending the Joint Rules.

H. C. R. No. 127, Requesting the State Public Welfare Department to adopt a certain rule.

The House has adopted the Conference Committee Report on Senate Bill No. 222 by a vote of 111 ayes, 20 noes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Concurrent Resolution 100

Senator Martin offered the following resolution:

S. C. R. No. 100, Creating Industrial and Occupational Safety Commission.

Whereas, The State Board of Insurance Commissioners reports that during the 1954 policy year 242,996 Texas employees sustained occupational injuries and fatalities, for which employers paid out through their insurance carriers \$46,582,933 in hospitalization and medical treatment, compensation payments, and disability and death benefit awards

under the provisions of the Workmen's Compensation Act; and the Industrial Accident Board reports that 665 occupational death claims for Texas workers were handled during the fiscal year ended August 31, 1956; and

Whereas, The insurance base rates paid by Texas employers for Workmen's Compensation Insurance are determined by the costs of occupational injuries and fatalities, and said base rates are among the highest in the Nation due to the high incidence of occupational injury and fatality in Texas; and

Whereas, The President's National Conference on Occupational Safety, the National Safety Council, and the American Society of Safety Engineers declare that 98% of occupational casualties are of a preventable type and that reductions of 50% or more may be accomplished by application of the principles of safety engineering and education; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that a study commission to be known as the "Industrial and Occupational Safety Commission" be established, composed of nine (9) members, three of whom shall be appointed by the Governor, three by the Lieutenant Governor, and three by the Speaker of the House. Each of the appointing officers shall select one person representative of employers, one representative of employees, and one public representative, and the Governor shall designate the Chairman. The members shall serve without compensation, and the Governor, the Industrial Accident Board, the Commissioner of Labor Statistics and the Legislative Council are authorized to cooperate with the Commission and assist in the performance of its duties; and be it further

Resolved, That the said Committee shall conduct a thorough study of the number, severity and causes and places of occurrence of occupational injuries sustained annually in this State; their monetary costs to employees and employers and to the general public; and ways and means by which the State can improve its functions in the field of industrial and occupational safety; and, be it further

Resolved, That the said Committee shall prepare and submit a written report of its findings, conclusions, and recommendations to the Governor, the

Lieutenant Governor, the Speaker of the House, and to each incoming member of the Regular Session of the Fifty-sixth Legislature on or before the first day of December, 1958.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 586

Senator Bracewell offered the following resolution:

Whereas, The Honorable Dwight D. Eisenhower, President of the United States, is the only native born Texan ever to occupy the highest office within the gift of the American people; and

Whereas, A portrait of this distinguished Texan has been painted by the renowned artist, Boris Gordon, of Houston, Texas and Washington, D. C., and is available for presentation to the Senate of the State of Texas; and

Whereas, It is fitting and proper that the portrait of this distinguished native born Texan hang in the Senate of the State; now, therefore be it

Resolved, By the Senate of the State of Texas that this body accept a presentation of a portrait of His Excellency, the President of the United States, Dwight D. Eisenhower.

The resolution was read and was adopted.

Senate Resolution 587

Senator Secrest offered the following resolution:

Whereas, The Senate of Texas is grieved to learn of the death of Major Thomas Ramsey, brother of our esteemed Lieutenant Governor; and

Whereas, Major Ramsey is to be buried in Arlington National Cemetery in Arlington, Virginia, on May 24, 1957, at 3 o'clock p.m.; and

Whereas, The Senate desires to pay its respects to the family of Major Ramsey and especially our presiding officer; now, therefore, be it

Resolved, By the Senate of Texas, that President pro tempore Ottis Lock be appointed the official representative of the Senate of Texas to attend

the funeral services of Major Ramsey and to convey in person to the family of Major Ramsey the heartfelt sympathy of the Senate.

**SECREST
HARDEMAN**

The resolution was read and was adopted.

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 217, A bill to be entitled "An Act amending Subdivision (2), Acts 1954, Fifty-third Legislature, First Called Session, Page 3, Chapter 2, Article III, Sectional; providing for an effective date; and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act amending Chapter 118, Acts of 1951, 52nd Legislature, known as Article 4528c, Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, be amended by adding a new section thereto to be known as Section 3a, providing that registration bureaus operated without profit by recognized state-wide Licensed Vocational Nurses' Organizations for the enrollment of its members only for the purpose of providing nursing service to the public shall not be liable for the payment of an occupation taxes and/or license fees; repealing all laws in conflict herewith; providing for a savings clause; and declaring an emergency."

H. B. No. 762, A bill to be entitled "An Act to authorize commissioners' courts to purchase, construct, reconstruct, remodel, improve and equip, or otherwise acquire, an office building or buildings or courts building or buildings, or 'ail building or buildings (in addition to the existing Courthouse and/or Jail), or an additional building or buildings in which any one or more of the county or district offices or county or district courts, or certain justice of the peace courts, or where the jail, or any other facilities or functions of the county may be housed, conducted, and maintained; including the purchase and improvement of the necessary site or sites therefor, which shall be located in the county seat; etc., and declaring an emergency."

H. B. No. 912, A bill to be entitled "An Act amending Acts of the 39th Legislature, Regular Session, 1925, Chapter 107, Section 149; and declaring an emergency."

H. B. No. 952, Establishing the Winkler County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency.

H. B. No. 588, A bill to be entitled "An Act amending Chapter 451, Acts of the 54th Legislature (Article 118c-3, Vernon's Texas Civil Statutes) relating to inspection and classification of sweet potatoes, so as to make inspection and classification discretionary with the seller."

H. B. No. 698, A bill to be entitled "An Act relating to protected assignments of accounts receivable; amending subdivision (1) of Section 1 of Chapter 293, Acts of the 49th Legislature, as amended (Article 260-1, Vernon's Texas Civil Statutes), so as to change the definition of 'account' or 'account receivable' by deleting provisions excluding sums accruing to a contractor who has furnished a surety bond."

H. B. No. 835, A bill to be entitled "An Act regulating fishing in the waters of that portion of Galveston Bay lying within Chambers, Galveston, and Harris Counties, Texas, north of a line extending from San Leon to Smith Point, Texas; etc., and declaring an emergency."

H. B. No. 417, A bill to be entitled "An Act amending Section 79 of the Texas Election Code (Article 7.14, Vernon's Texas Election Code) by adding a new subsection authorizing the authority holding an election, in counties where voting machines have been adopted, in its discretion to appoint a special canvassing board to count and make returns on absentee ballots, and prescribing procedures for absentee voting where a special canvassing board is appointed; and declaring an emergency."

H. B. No. 400, A bill to be entitled "An Act concerning the State Commission for the Blind, amending Section 1, Chapter 80, Page 122, Acts of the 42nd Legislature, Regular Session, 1931, as amended; providing that

two of the appointments by the Governor to the Commission be two reputable blind citizens of the State, instead of having such appointments being made only from graduates of the Texas School for the Blind; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the Counties and parts thereof composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. C. R. No. 93, Memorializing the United States Congress to immediately repeal the excise taxes now levied unjustly on the transportation of goods and passengers by common carriers.

H. C. R. No. 124, Directing the Enrolling Clerk of the House to delete all of the first sentence in Section 2, H. B. No. 835, after the word "line" and place a period at the end of said Section.

H. C. R. No. 4, Adjourn sine die at 6 o'clock p.m. Thursday, May 23, 1957.

Conference Committee Report on Senate Bill 222

Senator Fly asked unanimous consent to adopt the Conference Committee Report on S. B. No. 222 submitted on May 22, 1957 and printed in the Journal.

There was objection.

Senator Fly then moved the adoption of the Conference Committee Report on S. B. No. 222.

Question—Shall the Conference Committee Report on S. B. No. 222 be adopted?

The report was adopted by the following vote:

Yeas—21

Aikin	Herring
Ashley	Hudson
Bradshaw	Kazen
Colson	Krueger
Fly	Lane
Gonzalez	Lock
Hazlewood	Martin

Moffett
Owen
Phillips
Reagan

Roberts
Secrest
Willis

Nays—8

Bracewell
Fuller
Hardeman
Moore

Parkhouse
Ratliff
Smith
Wood

Absent

Rogers

Absent—Excused

Weinert

Senate Resolution 590

Senator Willis offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Professor Tad Lott, a distinguished member of the Faculty of Emory University located in Emory University, Georgia; and

Whereas, This fine person has accomplished much in the teaching field in demonstrating an outstanding quality of bringing out the fullest ability in his students; and

Whereas, His fine wife, Opal, is presently working as a secretary in the Senate; now, therefore, be it

Resolved, That it is the desire of the Senate of Texas to wish Tad Lott continued success in his chosen teaching profession, and that a copy of this Resolution, bearing the official seal of the Senate, be presented to him.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the guest to the Members of the Senate.

Senate Resolution 591

Senator Aikin offered the following resolution:

Whereas, Hon. Brose Medford of Avery, Texas, accompanied by his daughter, and her two children; and

Whereas, We are delighted to have these distinguished citizens as our guests; now, therefore, be it

Resolved, That we extend them a hearty welcome and the privilege of the floor for today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 592

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 47 students of the eighth grade class of Holy Ghost School of Houston, Texas, accompanied by their teachers, Sister Mary Eileen and Sister Mary Dennis, and Rev. R. J. Rebholz, C.S.R.; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Bracewell by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 593

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 7 students of the eighth grade of Zion Lutheran School of Tom Ball, Harris County, Texas, accompanied by their teacher, Mr. R. W. Obermueller; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Bracewell by unanimous consent presented the students and teacher to the Members of the Senate.

Senate Resolution 594

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the graduating class of Miami High School, Miami, Texas, accompanied by their teacher, Mr. Steve Scott, and sponsors, Mr. and Mrs. Horace Smith and Mr. and Mrs. Sam Bowey; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the students and teachers to the Members of the Senate.

Journal Supplement Ordered Printed on House Bill 133

On motion of Senator Martin and by unanimous consent 250 copies of a supplement of the House Journal of H. B. No. 133 were ordered printed.

Senate Bill 115 with House Amendments

Senator Ratliff called S. B. No. 115 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Ratliff moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Votes

Senators Hardeman and Moffett asked to be recorded as voting "Nay" on the motion to concur.

Conference Committee on House Bill 558

Senator Hudson called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 558 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly the President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Hudson, Kazen, Hardeman, Ashley, and Fuller.

House Concurrent Resolution 131 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the President Pro Tempore laid before the Senate on its second reading the following resolution:

H. C. R. No. 131, Suspending Joint Rules to consider S. B. No. 17.

The resolution was read and was adopted.

Senate Resolution 595

Senator Aikin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate five students of the Senior Class of Kildare High School of Kildare, Cass County, Texas, accompanied by their teacher, Miss Ann Walton; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the students and Miss Walton to the Members of the Senate.

Executive Session

On motion of Senator Hardeman and by unanimous consent, the Senate agreed to hold an executive session at 11:54 o'clock a.m. today.

Accordingly the President Pro Tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the Texas Prison Board, for six-year terms to expire February 2, 1963: Jack Vaughn of Dallas, Dallas County; James Marvin Windham of Livingston, Polk County; Lewis Nordyke of Amarillo, Potter County.

To be a member of the State Board of Public Welfare, for a six-year term to expire January 20, 1963: James D. Sartwelle of Houston, Harris County.

To be members of the Board for Texas State Hospitals and Special Schools, for six-year terms to expire February 15, 1963: George W. Pirtle of Tyler, Smith County; French Robertson of Abilene, Taylor County; Nat Goldsmith of San Antonio, Bexar County.

To be a member of the Board of Regents of Lamar State College of Technology, for term to expire October 5, 1961: John W. Mecom of Houston, Harris County.

To be a member of the Board of Directors, Texas College of Arts and Industries, for term to expire August 31, 1961: Mrs. Frank Lewis of San Antonio, Bexar County.

To be a member of the Board for Texas State Hospitals and Special Schools, for term to expire February 15, 1961: Howard Tellepsen of Houston, Harris County.

In Legislative Session

The President Pro Tempore called the Senate to order as in Legislative Session at 12:05 o'clock p.m. today.

Recess

On motion of Senator Hardeman the Senate at 12:06 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 2:00 o'clock p.m. today.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 23, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Motion to reconsider vote by which House refused to adopt Conference Committee Report on H. B. No. 620, prevailed by a vote of 85 ayes, 49 noes, and 2 present not voting. The House has adopted the Conference Committee Report on H. B. No. 620 by a vote of 80 ayes, 57 noes, and 3 present not voting. Motion to reconsider the vote by which House adopted Conference Report was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to H. C. R. No. 45 by vote of 67 ayes, 4 noes (division vote).

The House has concurred in Senate amendments to House Bill No. 906 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 14 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 939 by vote of 122 ayes, 7 noes.

The House has concurred in Senate amendments to House Bill No. 832 by vote of 100 ayes, 3 noes, 1 present not voting.

The House has concurred in Senate amendments to House Bill No. 864 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 940 by vote of 109 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 521 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 186 by vote of 102 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 930 by vote of 104 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 533 by vote of 114 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 773 by vote of 109 ayes, 2 noes.

The House has concurred in Senate amendments to House Bill No. 836 by vote of 101 ayes, 4 noes.

The House has concurred in Senate amendments to House Bill No. 332 by vote of 125 ayes, 2 noes.

The House has concurred in Senate amendments to H. C. R. No. 71 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 887 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 486 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 179 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 604 by vote of 110 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 265 by vote of 96 ayes, 30 noes. Motion to reconsider the vote by which House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 153 by viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 244 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 199 by viva voce vote.

The House has concurred in Senate amendments to House Bill No. 913 by vote of 102 ayes, 2 noes.

The House has concurred in Senate amendments to House Bill No. 403 by vote of 117 ayes, 3 noes.

The House has concurred in Senate amendments to House Bill No. 194 by viva voce vote.

S. B. No. 17, An Act making an emergency appropriation for the Water Resources Committee and declaring an emergency.

The House has adopted the Conference Committee Report on Senate Bill No. 86 by vote of 111 ayes, 3 noes.

The House has concurred in Senate amendments to House Bill No. 79 by vote of 78 ayes, 27 noes. Motion to reconsider the vote by which House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 362 by viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 24 by a viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 478 by a vote of 127 ayes, 2 noes.

The House has adopted the Conference Committee Report on House Bill No. 418 by a viva voce vote.

The House has adopted the Conference Committee Report on Senate Bill No. 308 by a vote of 109 ayes, 4 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 447 by a viva voce vote.

The House has adopted the Conference Committee Report on House Bill No. 558 by a vote of 126 ayes, 0 noes.

The House has adopted the Conference Committee Report on Senate Bill No. 165 by a viva voce vote.

S. C. R. No. 100, Establishing the "Industrial and Occupational Safety Commission."

H. C. R. No. 133, Instructing the Enrolling Clerk of the House to conform the caption of H. B. No. 604 to the body of the bill.

The House has adopted the Conference Committee Report on H. B. No. 433 by a vote of 105 ayes, 22 noes. Motion to reconsider the vote by which Conference Report was adopted and to table the motion to reconsider prevailed by a viva voce vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 596

(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,
May 23, 1957.

Honorable Ben Ramsey, President of the Senate.

Sir: At a caucus held on May 23, 1957, and attended by 28 members of the Senate, the following recommendations were made, to-wit:

Be it resolved by the Senate, That the following named employees be retained for a number of days at the per diem salary specified in each case to perform such duties as may be required of them in connection with the business of the State, viz:

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature, for which services he shall receive the same per diem (\$500.00 per month) which he now receives, and in addition thereto he and the Lieutenant Governor shall be furnished postage, telegraph, telephone, express and all other expenses incident to the office.

The Assistant Secretary of the Senate shall be employed by the Secretary of the Senate and shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature with a salary of \$14.00 per day.

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session and

shall also employ some suitable person who shall index and annotate the Legislative Manual for the Senate of the Fifty-fifth Legislature and provide sufficient copies thereof to be paid for out of the Contingent Expense Fund for the use of the Members of the Senate.

The Warrant Clerk shall be retained for a period of 21 days at a salary of \$13.00 per day.

The Calendar Clerk shall be retained for 22 days at a salary of \$14.00 per day.

The Journal Clerk, Mrs. Minnie Meier, shall be retained for a period of 210 days at \$15.00 per day, and Mrs. Olga Schneider, Assistant Journal Clerk, shall be retained for 210 days at \$13.00 per day.

The Sergeant-at-Arms, John Dorman, shall be retained for the ad-interim at the same pay he now receives, and two assistants for 15 days at \$12.00 per day. The Lieutenant Governor may employ or retain at \$7.00 per day as many porters as may be necessary and a head porter at \$12.00 per day.

The Enrolling and Engrossing Clerk shall be retained 15 days at \$19.00 per day, and 5 assistants to assist her shall be retained for 15 days at \$11.00 per day, and one assistant for 15 days at \$14.00 per day.

The private secretary of each Senator may be retained for 14 days at \$14.00 per day to perform such duties as may be required of them.

The Postmistress shall be retained 6 days at \$14.00 per day, after which time the Secretary of the Senate shall attend to all mail of the Senators.

The Mailing Clerk of the Senate shall be retained for 15 days at \$14.00 per day and one assistant for 10 days at \$13.00 per day, one assistant for 10 days at \$11.00 per day and one assistant at \$14.00 per day for 5 days.

The Chairman of the Senate Committee on Contingent Expenses is hereby authorized and directed to cause the Senate Chamber to be placed in order and an inventory made of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms, and close his books for the Fifty-fifth Regular Session of the Legislature. He shall also examine

records and accounts payable out of the Contingent Expense Fund as shall be necessary, properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he shall be entitled to receive his actual and necessary expenses incurred while in the performance of such duties during the interim.

The Lieutenant Governor shall appoint a Custodian of the Senate to perform such services as the Lieutenant Governor or the Secretary of the Senate may direct and the Custodian to receive the sum of \$11.00 per day.

Resolved, That there shall be printed 325 volumes of the Senate Journal of the Regular Session of the Fifty-fifth Legislature, and when completed, 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate and House of Representatives, to the Lieutenant Governor, and seventy-five paper bound copies shall be furnished to the State Library. The printing of such Senate Journals shall be done in accordance with the provisions of this resolution under supervision of the Chairman of the Committee on Contingent Expense, provided further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Contingent Expense of the Senate. When the accounts have been certified to by the Chairman of the Senate Committee on Contingent Expense, said accounts shall be paid out of the Contingent Expense Fund of the Fifty-fifth Legislature; and be it further

Resolved, That all salaries herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the Fifty-fifth Legislature upon warrants signed by the Lieutenant Governor and the Secretary of the Senate. All warrants for the payment of materials, supplies and expenses of the Senate shall be paid upon warrants signed by the Lieutenant Governor and Chairman of the Senate Committee on Contingent Expenses; and be it further

Resolved, That the cash balance on

hand under the provisions of S. R. No. 15 of the Forty-seventh Legislature be turned over to the Secretary of the Senate and he is directed to have full charge of the vending machines and to expend receipts thereof as now authorized by said resolution; and be it further

Resolved, That a matron be retained for the women's rest room at a salary of \$7.00 per day; and be it further

Resolved, That the Lieutenant Governor and the Chairman of the Senate Committee on Contingent Expense shall have authority to employ such additional personnel as may from time to time be required and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature; and be it further

Resolved, That with the approval of the Lieutenant Governor and the Chairman of the Committee on Contingent Expense, the actual expenses of members serving on interim committees whose expenses are not otherwise provided for shall be reimbursed from the Contingent Expense Fund; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint a clerk during the ad-interim to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$8.00 per day, in an office to be assigned; and be it further

Resolved, That the Lieutenant Governor is authorized to appoint Rev. W. H. Townsend, Senate Chaplain, during the ad-interim as an assistant to work under the direction of the Lieutenant Governor and the Chairman of the Contingent Expense Committee at a salary of \$11.00 per day.

The Sergeant-at-Arms is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate.

The Senate directs and instructs and commands the Board of Control to construct toilet facilities on the third floor behind the Senate Gallery before the next regular session.

Respectfully submitted,

A. M. AIKIN, JR.

Chairman of the Caucus

GEORGE MOFFETT

Secretary of the Caucus

The report was read and was unanimously adopted.

Senate Bill 229 with House Amendments

Senator Kazen called S. B. No. 229 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kazen moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 597

Senator Herring offered the following resolution:

Whereas, In the General Appropriation Bill for the fiscal year 1957-58, certain appropriations were made for the Texas Employment Commission and its personnel; and

Whereas, It has come to the attention of the Senate that one of the employees of the Commission inadvertently received a reduction in salary of One Thousand (\$1,000.00) Dollars per year; and

Whereas, It was not the intention of the Senate to reduce the salary of any of the personnel of the Texas Employment Commission; now, therefore, be it

Resolved, That any such reduction made was an inadvertent reduction and if there are funds available in the Appropriation Bill or otherwise by which this can be restored, it is directed that same be restored.

**HERRING
HARDEMAN**

The resolution was read and was adopted.

Bills Signed

The President pro tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas:

S. B. No. 477, A bill to be entitled "An Act providing for the transfer of title to certain lands from the State

of Texas for the use and benefit of the Agricultural and Mechanical College of Texas to the Texas State Parks Board, aggregating 118 acres of land, more or less, including buildings, structures, improvements and appurtenances, and being the area surrounding and adjoining the Mission San Francisco de los Tejas and known as Mission State Forest near the town of Weches in Houston County, Texas; etc., and declaring an emergency."

S. B. No. 380, A bill to be entitled "An Act making an emergency appropriation for the payment of salaries of the citizen board members of the Veterans' Land Board; providing the method of payment and the effective date of the salaries; and declaring an emergency."

S. B. No. 397, A bill to be entitled "An Act to provide of the acquisition of certain lands, buildings and structures; to provide for the equipping, operating and maintaining of buildings; providing for the issuance and sale of revenue bonds or notes by the State Building Commission; etc., and declaring an emergency."

Senate Bill 70 with House Amendments

Senator Bracewell called S. B. No. 70 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Krueger asked to be recorded as voting "yea" on the motion to concur.

Senate Bill 166 with House Amendments

Senator Bracewell called S. B. No. 166 from the President's table for consideration of the House amendments to the bill.

The President pro tempore laid the bill and House amendments before the

Senate, and the House amendments were read.

Senator Bracewell moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on Senate Bill 447

Senator Bracewell submitted the following Conference Committee Report on S. B. No. 447:

Austin, Texas,
May 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 447, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BRACEWELL
HAZLEWOOD
REAGAN
PARKHOUSE
PHILLIPS

On the part of the Senate.

MOORE of Harris
WINFREE
ELLIOTT
MANN
PRESSLER

On the part of the House.

S. B. No. 447:

A BILL TO BE ENTITLED

"An Act limiting the filing fees of candidates for office in counties of eight hundred thousand (800,000) or more; providing for the time of payment of filing fees for State Senator and State Representative; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Election Code of the State of Texas is hereby amended by adding thereto a new section to be known as Section 186a, to read as follows:

"186a. Assessment of candidates in Counties of 800,000 or more inhabitants.

"Candidates for any precinct, county or district office and the office of Congress in Counties which have a population of eight hundred thousand (800,000) or more, according to the last preceding federal census, except candidates for the State Legislature and State Board of Education, shall not be assessed a sum in excess of seven and one-half (7½%) percent of the aggregate annual salary provided for any office of two year terms and twelve and one-half (12½%) percent of the aggregate annual salary provided for any office of four year terms to have their names placed on the ballot in any primary election. Candidates for the State Board of Education shall not be assessed a sum in excess of the amount stated in Section 186 of this Code."

"Notwithstanding other provisions of law, the county executive committee in any county which has a population of eight hundred thousand (800,000) or more, according to the last preceding federal census, may require candidates for State Senator or State Representatives to pay an amount not exceeding Three Hundred Dollars (\$300.00) to have their names placed upon the ballot in a primary election. A candidate for nomination for State Senator or Representative shall pay the full amount of \$300.00 at the time he files his application for a place on the ballot. The payment must accompany the application and must be in the form of cash, money order, cashier's check or certified check. The application and payment must be delivered to the proper party chairman or secretary by the deadline for making application for a place on the ballot, and it shall not be sufficient for the application and payment to have been mailed before the deadline unless they are actually delivered by the deadline. After the county executive committee makes the assessments as provided in Section 186 of this Code, it shall refund to each candidate within thirty days thereafter the amount of the payment in excess of the assessment against the candidate."

"Section 2. The fact that filing fees in primary elections in counties with large population are becoming so excessive as to thwart the democratic processes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said

Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The report was read and was adopted.

Election of President Pro Tempore Ad Interim

The President Pro Tempore announced the time had arrived for the Senate to elect the President Pro Tempore Ad Interim.

Senator Hardeman placed in nomination the name of Senator Carlos Ashley of Llano for President Pro Tempore Ad Interim.

Senators Ratliff, Fuller, Moffett, Parkhouse, Kazen and Secrest seconded the nomination of Senator Ashley as President Pro Tempore Ad Interim.

The President Pro Tempore appointed Senators Aikin and Secrest as tellers to take up and count the ballots. The tellers reported that Senator Ashley had received 28 votes with one present and not voting.

The President Pro Tempore declared Senator Ashley duly elected as President Pro Tempore Ad Interim and appointed Senators Ratliff, Hardeman and Kazen to escort Senator Ashley and Mrs. Ashley to the President's Rostrum.

The President Pro Tempore administered the Constitutional Oath of Office to Senator Ashley as President Pro Tempore Ad Interim.

The President Pro Tempore then presented Senator Ratliff and he presented Senator Ashley to the Senate as the President Pro Tempore Ad Interim.

Senator Ashley addressed the Senate, thanking the Members individually for the kind words and expressed sincere appreciation for the honor bestowed on him.

Senator Ashley then presented Mrs. Ashley to the Members of the Senate.

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 136, A bill to be entitled "An Act transferring a portion of the current appropriation for office expense of the Firemen's Pension Commission to its appropriation for travel expense; and declaring an emergency." Subject to the provisions of Section 49a of Article III of the Constitution of the State of Texas.

H. B. No. 730, A bill to be entitled "An Act authorizing the Governor to transfer certain funds and declaring an emergency."

H. C. R. No. 118. Suspending the Joint Rules so that the House may take up and consider S. B. No. 143 at any time.

H. C. R. No. 91, Granting permission to C. W. Shores to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 29, Granting Jack E. Pratt, doing business as Texas Distributing Company, permission to sue the State of Texas.

H. B. No. 746, A bill to be entitled "An Act setting the squirrel season in Jasper, Newton and Tyler Counties; repealing all laws in conflict; providing a severability clause; and declaring an emergency."

H. B. No. 519. A bill to be entitled "An Act amending Sections 61, 62, and 187 of the Election Code of the State of Texas (codified as Articles 6.05, 6.06, and 13.09 in Vernon's Texas Election Code) so as to eliminate provisions for alternate methods of marking ballots and so as to provide that the scratch method shall be the method for marking ballots; changing certain other provisions relative to the form of the ballot and the method of marking the ballot; and declaring an emergency."

H. B. No. 890, A bill to be entitled "An Act to amend Article 4357 of the Revised Civil Statutes of Texas as amended by H. B. No. 419, Chapter 350, paragraph 1, Acts of the Regular Session of the Fifty-third Legislature, authorizing the Comptroller of Public Accounts to issue a warrant in payment of claims for Fifty Dollars (\$50) or less without an affidavit when the claimant certifies under the penalties of perjury that to the best of his knowledge and belief the claim is true and correct, repealing all laws in conflict herewith to the extent of

such conflict; and declaring an emergency."

H. B. No. 151, A bill to be entitled "An Act authorizing State departments to use certified mail in lieu of registered mail; declaring the mailing of notices and other material by certified mail to have the same legal effect as if sent by registered mail; continuing use of registered mail where insurance against loss is needed; and declaring an emergency."

H. J. R. No. 2, A joint resolution "Proposing an amendment to Article III, Section 51a of the Constitution of Texas, so as to increase the limit on the maximum monthly payment to the needy aged persons from State funds and on the total yearly expenditure out of State funds for assistance to needy aged, needy blind, and needy children."

Senate Bill 381 with House Amendments

Senator Parkhouse called S. B. No. 381 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Absent

Moore

Absent—Excused

Weinert

**Conference Committee on House Bill
10 Discharged and New Conference
Committee Appointed**

On motion of Senator Herring and by unanimous consent the Conference Committee appointed to adjust the differences between the two Houses on H. B. No. 10 was discharged as they were unable to agree and Senator Herring requested the appointment of a new Conference Committee to adjust the differences.

Accordingly, the President Pro Tempore announced the appointment of the following as conferees on the part of the Senate:

Senators Hardeman, Fly, Lane, Se-crest and Wood.

Oath of Office administered to Officers

The President Pro Tempore requested the newly-elected Secretary of the Senate and Sergeant-at-Arms ad interim to proceed to the Bar of the Senate.

The President Pro Tempore then administered the Constitutional Oath of Office to Charles Schnabel as Secretary of the Senate and John Dorman as Sergeant-at-Arms.

(Senator Hardeman in the Chair.)

**Conference Committee Report on
House Bill 433**

Senator Bracewell submitted the following Conference Committee Report on H. B. No. 433:

Austin, Texas,
May 23, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 433, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BRACEWELL
PHILLIPS
BRADSHAW

On the part of the Senate.

SPILMAN

SMITH of Hays

SANDAHN

On the part of the House.

H. B. No. 433:

**A BILL
TO BE ENTITLED**

An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain Sections of Articles 8306, 8307, and 8309, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7c, 7d, 8, 10, 11, 12, 12c-2, 26d and 28 of Article 8306, Revised Civil Statutes of 1925, as amended; removing present limitations on medical service benefits and providing that such services shall include treatments necessary to physical rehabilitation and providing for referral of an injured employee by the Board to the Vocational Rehabilitation Division of the Texas Education Agency and co-operation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, and before the courts and placing certain limitations thereon and providing for the payment thereof and the approval thereof by the Board, or the courts; fixing the benefits payable in cases of death, with limitations, and providing to whom payable; fixing the benefits payable for total incapacity, with limitations; providing the benefits payable for partial incapacity for work, with limitations, and providing the method of computing the amount of such benefits; providing the benefits payable for injuries specifically enumerated by schedule, with limitations, and providing the method of determining the extent of partial incapacity caused by such injuries and the method of computing compensation therefor, with limitations on the amount payable; providing for a second injury fund and for the financing thereof; fixing the liability for medical treatment in cases of silicosis and asbestosis, with limitations; levying a tax and creating a Workmen's Compensation Fund and providing for the use thereof; amending Section 5 of Article 8307, Revised Civil Statutes of 1925, as amended, by adding a new paragraph prohibiting the inclusion in any award or judgment against the association the cost or expense of items of medical aid, hospital serv-

ices, nursing, chiropractic services, medicines or prosthetic appliances not received by the employee prior to such award or judgment, providing the extent that the first such award shall be res judicata of the liability of the association, and prescribing the jurisdiction of the Board to render successive such awards and the jurisdiction of the courts in connection therewith; amending Article 8309, Revised Civil Statutes of 1925, as amended, by adding a new Section 1b providing definitions of certain terms and adding definitions in connection with the term "injury sustained in the course of employment"; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect in so far as injuries sustained prior to the effective date hereof; providing a savings clause; repealing all laws in conflict; providing for the effective date of this Act; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Sections 7, 7c, 7d, 8, 10, 11, 12, 12c-2, 26d, and 28 of Article 8306, Revised Civil Statutes of 1925, as amended, be and the same are hereby amended so as to hereafter read as follows:

Medical Services

"Section 7. The association shall furnish such medical aid, hospital services, nursing, chiropractic services, and medicine as may reasonably be required at the time of the injury and at any time thereafter to cure and relieve from the effects naturally resulting from the injury. Such treatment shall include treatments necessary to physical rehabilitation, including proper fitting and training in the use of prosthetic appliances, for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligation of the association to provide hospital services as herein provided shall not be held to include any obligation on the part of the association to pay for medical, nursing or surgical services not ordinarily provided by hospitals as a part of

their services. If the association fails to so furnish reasonable medical aid, hospital services, nursing, chiropractic services and medicines as and when needed after notice of the injury to the association or subscriber, the injured employee may provide said medical aid, nursing, hospital services, chiropractic services, and medicines at the cost and expense of the association. The employee shall not be entitled to recover any amount expended or incurred by him for said medical aid, hospital services, nursing, chiropractic services, or medicines, nor shall any person who supplies the same be entitled to recover of the association therefor, unless the association or subscriber shall have had notice of the injury and shall have refused, failed or neglected to furnish it or them within a reasonable time. At the time of the injury or immediately thereafter, if necessary, the employee shall have the right to call in any available physician, surgeon, or chiropractor to administer first-aid treatment as may be reasonably necessary at the expense of the association.

"Upon receipt thereof, the Board shall promptly analyze each notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Program of Vocational Rehabilitation for Disabled Persons administered by the Vocational Rehabilitation Division of the Texas Education Agency and the Board immediately shall notify said Vocational Rehabilitation Division of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain general supervision of treatment of the injured employee and, should the employee request it, the Board shall consult with a physician or chiropractor of his own selection. The Board shall cooperate with said Vocational Rehabilitation Division with reference to the work of said Division in providing said services and facilities to injured employees covered under the provisions of this law."

Attorneys' Fees Regulated by the Board

"Section 7c. All fees of attorneys for representing claimants before the Board under the provisions of this law shall be subject to the approval of the Board. No attorneys' fees for representing claimants before the Board shall be allowed or approved against any party or parties not represented by such attorney, nor exceeding an amount equal to fifteen per cent (15%) of the total recovery, in addition to the reasonable expenses incurred by the attorney in the preparation and presentation of the said claim before the Board, such expenses to be allowed by the Board. Where an attorney represents only a part of those interested in the allowance of a claim before the Board and his services in prosecuting such claim and obtaining an award therein inures to the benefit of others jointly interested therein, then the Board may take these facts into consideration and allow the attorney a reasonable charge, to be assessed against the interest of those receiving benefits from the service of such attorney. The attorneys' fees herein provided for may be redeemed by the association by the payment of a lump sum or may be commuted by the agreement of the parties subject to the approval of the Board, but not until the claim represented by said attorney has been finally determined by the Board and recognized and accepted by the association. After the approval, as first above provided for, if the association be notified in writing of such claim or agreement for legal services, the same shall be a lien against any amount thereafter to be paid as compensation; provided, that where the employee's compensation is payable by the association in periodical installments, the Board shall fix at the time of approval the proportion of each installment to be paid on account of said legal services.

Attorneys' Fees Regulated by the Court

"Section 7d. For representing the interest of any claimant in any manner carried from the Board into the courts, it shall be lawful for the attorney representing such interest to contract with any beneficiary under this law for an attorneys' fee for such representation, not to exceed twenty-five per cent (25% of the amount recovered, such fee for serv-

ices so rendered to be fixed and allowed by the trial court in which such matter may be heard and determined.

"In fixing and allowing such attorney's fees the court must take into consideration the benefit accruing to the beneficiary as a result of such services. No attorney's fees (other than the amount which the Board may have approved) shall be allowed for representing a claimant in the trial court unless the court finds that benefits have accrued to the claimant by virtue of such representation, and then such attorney's fees may be allowed only on a basis of services performed and benefits accruing to the beneficiary.

"Provided, however, in the event an appeal or proceeding in error is taken to an appellate court by any party, the attorney shall receive for his fee an amount not to exceed one-third (1/3) of the amount recovered."

Death Benefit

"Section 8. If death should result from the injury the association hereinafter created shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty per cent (60%) of his average weekly wages, but not more than Thirty-five Dollars (\$35) nor less than Nine Dollars (\$9) per week, for a period of three hundred and sixty (360) weeks from the date of the injury."

Total Incapacity

"Section 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty per cent (60%) of his average weekly wages, but not more than Thirty-five Dollars (\$35) nor less than Nine Dollars (\$9) and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of the injury.

Partial Incapacity

"Section 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty per cent (60%) of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than Thirty-five Dollars (\$35) per week. The period covered by such compensation shall be in no

case greater than three hundred (300) weeks; provided that in no case shall the period of compensation for total or partial incapacity exceed four hundred and one (401) weeks from the date of injury. Compensation for all partial incapacity resulting from a general injury shall be computed in the manner provided in this Section, and shall not be computed on a basis of a percentage of disability."

Specific Compensation

"Section 12. For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provide, a weekly compensation equal to sixty per cent (60%) of the average weekly wages of such employee, but not less than Nine Dollars (\$9) per week nor exceeding Thirty-five Dollars (\$35) per week, for the respective periods stated herein, to wit:

"For the loss of a thumb, sixty per cent (60%) of the average weekly wages during sixty (60) weeks.

For the loss of a first finger, commonly called the index finger, sixty per cent (60%) of the average weekly wages during forty-five (45) weeks.

"For the loss of a second finger, sixty per cent (60%) of the average weekly wages during thirty (30) weeks.

"For the loss of a third finger, sixty per cent (60%) of the average weekly wages during twenty-one (21) weeks.

"For the loss of a fourth finger, commonly known as the little finger, sixty per cent (60%) of the average weekly wages during fifteen (15) weeks.

"The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half ($\frac{1}{2}$) of such thumb; the loss of more than one-half ($\frac{1}{2}$) of such thumb shall be considered to be equal to the loss of the whole thumb.

"The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third ($\frac{1}{3}$) of such finger.

"The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided that in no case shall the amount received for the loss of a thumb and more than one (1) finger on the same

hand exceed the amount provided in this schedule for the loss of a hand.

"For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or fingers above, add ten (10) weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one (1) hand be more than for the loss of the hand.

"For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

"For the loss of a hand, sixty per cent (60%) of the average weekly wage during one hundred and fifty (150) weeks.

"For the loss of an arm at or above the elbow, sixty per cent (60%) of the average weekly wage during two hundred (200) weeks.

"For the loss of one (1) of the toes other than the great toe, sixty per cent (60%) of the average weekly wages during ten (10) weeks.

"For the loss of the great toe, sixty per cent (60%) of the average weekly wages during thirty (30) weeks.

"The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

"The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half ($\frac{1}{2}$) of the toe.

"For the loss of a foot, sixty per cent (60%) of the average weekly wages during one hundred and twenty-five (125) weeks.

"For the loss of a leg, at or above the knee, sixty per cent (60%) of the average weekly wages during two hundred (200) weeks.

"For the total and permanent loss the sight of one (1) eye, sixty per cent (60%) of the average weekly wages during one hundred (100) weeks.

"In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equivalent to and draw the same compensation as the loss of that member.

"For the complete and permanent loss of the hearing in both ears, sixty per cent (60%) of the weekly wages

during one hundred and fifty (150) weeks.

"For the loss of an eye and leg above the knee, sixty per cent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and an arm above the elbow, sixty per cent (60%) of the average weekly wages during a period of three hundred and fifty (350) weeks.

"For the loss of an eye and a hand, sixty per cent (60%) of the average weekly wages during a period of three hundred and twenty-five (325) weeks.

"For the loss of an eye and a foot, sixty per cent (60%) of the average weekly wages during a period of three hundred (300) weeks.

"Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this Section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one (1) member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

"In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw the same compensation as, the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

"In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury. The compensation paid therefor shall be calculated by first determining a basic figure amounting to sixty per cent (60%) of the average weekly wages of the employee, but which basic figure shall not exceed Thirty-five Dollars (\$35.00); such basic figure shall then be multiplied by the percentage

of incapacity caused by the injury, and the result shall be the weekly compensation which shall be paid for such period not exceeding three hundred (300) weeks as the Board may determine. Whenever the weekly payments under this paragraph would be less than Three Dollars (\$3.00) per week, the period may be shortened, and the payments correspondingly increased by the Board.

Second Injury Fund—How Created

"Section 12c-2. The special fund known as the 'Second-Injury Fund' shall be created in the following manner:

"(a) In every case of the death of an employee under this Act where there is no person entitled to compensation surviving said employee, the association shall pay to the Industrial Accident Board the sum of Three Thousand Dollars (\$3,000) to be deposited with the Treasurer of the State for the benefit of said Fund and the Board shall direct the distribution thereof.

"(b) When the total amount of all such payments into the Fund, together with the accumulated interest thereon, equals or exceeds One Hundred Thousand Dollars (\$100,000) in excess of existing liabilities, no further payments shall be required to be paid to said Fund; but whenever thereafter the amount of such Fund shall be reduced below Fifty Thousand Dollars (\$50,000) by reason of payments to such Fund, then payments to such Fund shall be resumed forthwith, and shall continue until such Fund again amounts to One Hundred Thousand Dollars (\$100,000) including accumulated interest thereon.

"Section 26. (d) In the event of incapacity from silicosis or asbestosis, the association shall provide reasonable medical treatment; but liability for such treatment shall not extend beyond ninety-one (91) days."

Workmen's Compensation Fund

"Sec. 28. There is hereby established as a special fund, separate and apart from all public monies or funds of this state, a Workmen's Compensation Fund which shall be used by the board for the purpose of paying costs of the administration of the law, in addition to amounts appropriated by the Legislature of the State of Texas. The State Treasurer shall be the treasurer and custodian

of the fund. He shall administer such fund in accordance with the directions of the board, and the comptroller shall issue warrants upon it in accordance with the directions of the board. In addition to all other taxes now being paid, each stock company, mutual company, reciprocal, or inter-insurance exchange or Lloyds Association writing Workmen's Compensation insurance in this state, shall pay annually into the state treasury, for the use and benefit of the Workmen's Compensation Fund, an amount equal to one-fourth ($\frac{1}{4}$) of one percent (1%) of gross premiums collected by such company or association during the preceding year under workmen's compensation policies written by such companies or associations covering risks in this state according to the reports made to the Board of Insurance Commissioners as required by law. Said amount shall be collected at the same time and in the same manner as provided by law for the collection of taxes on gross premiums of such workmen's compensation insurance carriers. Failure to make any report required by this section shall be punishable by fine not to exceed One Thousand (\$1000) Dollars and the failure to pay any tax within thirty (30) days after same is due under this section shall be punishable by a penalty of ten (10%) percent of the amount, and shall be recovered by the attorney general in a suit brought by him in the name of the State of Texas and such penalties when collected shall be deposited in the state treasury for the use and benefit of the Workmen's Compensation Fund."

Sec. 2. Section 5 of Article 8307, Revised Civil Statutes of Texas, 1925, as amended, is hereby amended by adding a new paragraph at the end of said Section to read as follows:

"Notwithstanding any other provision of this law, as amended, no award of the Board, and no judgment of the court, having jurisdiction of a claim against the association for the cost or expense of items of medical aid, hospital services, nursing, chiropractic services, medicines or prosthetic appliances furnished to an employee under circumstances creating a liability therefor on the part of the association under the provisions of this law, shall include in such award or judgment any cost or expense of any such items not actually furnished to and received by the employee prior

to the date of said award or judgment. The first such final award or judgment rendered on such claim shall be res judicata of the liability of the association for all such cost or expense which could have been claimed up to the date of said award or judgment and of the issue that the injury of said employee is subject to the provisions of this law with respect to such items, but shall not be res judicata of the obligation of the association to furnish or pay for any such items after the date of said award or judgment. After the first such final award or judgment, the Board shall have continuing jurisdiction in the same case to render successive awards to determine the liability of the association for the cost or expense of any such items actually furnished to and received by said employee not more than six (6) months prior to the date of each such successive award, until the association shall have fully discharged its obligation under this law to furnish all such medical aid, hospital services, nursing, chiropractic services, medicines or prosthetic appliances to which said employee may be entitled; provided, each such successive award of the Board shall be subject to a suit to set aside said award by a court of competent jurisdiction, in the same manner as provided in the case of other awards under this law."

Sec. 3. Article 8309, Revised Civil Statutes of Texas of 1925, as amended, is hereby amended by adding thereto a new Section to be known and designated as Section 1b, said Section 1b to be inserted immediately subsequent to Section 1a, said Section 1b to read as follows:

"Section 1b. Unless transportation is furnished as a part of the contract of employment or is paid for by the employer, or unless the means of such transportation are under the control of the employer, or unless the employee is directed in his employment to proceed from one place to another place, such transportation shall not be the basis for a claim that an injury occurring during the course of such transportation is sustained in the course of employment. Travel by an employee in the furtherance of the affairs or business of his employer shall not be the basis for a claim that an injury occurring during the course of such travel is sustained in the course of employment, if said travel

is also in furtherance of personal or private affairs of the employee, unless the trip to the place of occurrence of said injury would have been made even had there been no personal or private affairs of the employee to be furthered by said trip, and unless said trip would not have been made had there been no affairs or business of the employer to be furthered by said trip."

Sec. 4. As respects claims for injury sustained prior to the effective date of this Act, no inchoate, vested, matured, existing or other rights, remedies, powers, duties or authority, either of any employee or legal beneficiary, or of the Board, or of the Association, or of any other person shall be in any way affected by any of the amendments or repeals herein made to the original law hereby amended or repealed, but all such rights, remedies, powers, duties, and authority shall remain and be in force as under the original law just as if the amendments or repeals hereby adopted had never been made, and to that end it is hereby declared that as respects such injuries occurring prior to the effective date of this Act, said original law is not repealed, but the same is, and shall remain in full force and effect as to all such rights, remedies, powers, duties, and authority; and further this Act in so far as it adopts the law of which it is an amendment is a continuation thereof, and only in other respects a new enactment.

Sec. 5. If any Section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining Sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect.

Sec. 6. All laws or parts of laws in conflict herewith are expressly repealed to the extent of such conflict.

Sec. 7. This Act shall take effect and be in full force on and after the first day of September, 1957, subject to the provisions of Section 4 above.

Sec. 8. The fact that injured employees are compensated on a grossly inadequate basis at the present time, and the further fact that the present methods of calculating partial incapacity create certain inequitable distribution of benefits under the Act, create an emergency and an imperative public necessity that the Consti-

tutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule that bills shall not be effective until ninety (90) days after the adjournment of the Legislature, be suspended, and said Rules are hereby suspended and this Act shall be in full force and effect from and after its passage, and it is so enacted.

The report was read.

Senator Bracewell asked unanimous consent to consider the report immediately

Senator Bradshaw moved the previous question on the adoption of the Conference Committee Report on H. B. No. 433 and the motion was duly seconded.

The previous question was ordered by the following vote:

Yeas—15

Aikin	Krueger
Ashley	Martin
Bracewell	Moffett
Bradshaw	Parkhouse
Fly	Ratliff
Hardeman	Reagan
Herring	Wood
Hudson	

Nays—10

Fuller	Owen
Gonzalez	Phillips
Kazen	Roberts
Lane	Secrest
Lock	Willis

Absent

Colson	Rogers
Hazlewood	Smith
Moore	

Absent—Excused

Weinert

The report was then adopted.

Record of Votes

Senators Lane and Willis asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 433.

Bills and Resolutions Signed

The Presiding Officer announced the signing by the President Pro Tempore in the presence of the Senate, after the captions had been read,

the following enrolled bills and resolutions:

S. B. No. 475, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the City of Keller, to be known as the 'North Tarrant County Municipal Water District,' etc., and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act to prohibit the manufacture, sale and use of certain fireworks and to regulate the manufacture, sale and use of certain other fireworks; Defining what fireworks may be manufactured, sold and used in the State of Texas and declaring their use not to be a nuisance; etc.; and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act regulating the sale and manufacture of foods, drugs and cosmetics for the protection of the public health in the State of Texas, repealing the following articles of the Revised Civil Statutes of Texas, Articles 4470, 4471, 4472, and 4473; repealing the following articles of the Penal Code of Texas, Articles 706, 707, 708, 709, and 717; and all other laws in conflict herewith, prescribing penalties; and declaring an emergency."

S. B. No. 307, A bill to be entitled "An Act amending Chapter 88, Page 172, of the Acts of the 41st Legislature, Second Called Session, 1929, as amended, to provide for registration of automobiles manufactured prior to 1921; providing for method of application for such registration; fixing amount of fee for such registration; providing for license plates; defining an offense and prescribing a penalty; and declaring an emergency."

S. B. No. 345, A bill to be entitled "An Act amending Sec. 1 of House Bill 44, Acts of the 49th Leg., 1945, chap. 220, p. 304, providing for the employment and salary of stenographers or clerks for county judges in certain counties; repealing all laws in conflict; and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act permitting the Assessor-Collector of Taxes of each County, and the Sheriff, who also performs the duties of Assessor-Collector of taxes in certain counties, to attend one pro-

fessional conference or legal institute each year, and such other conferences or institutes as may be called by the State Comptroller of Public Accounts; etc.; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act authorizing the Commissioners' Court of all counties in the State of Texas having a population of five hundred thousand (500,000) inhabitants, or more, according to the last preceding or any future Federal census, to issue negotiable bonds of such county, and to levy and collect taxes in payment thereof, for the purpose of paying the cost of making any surveys and acquiring any maps and plats, which such Commissioners' Court is authorized to cause to be made and to acquire under the provisions of Article 7344 of the 1925 Revised Civil Statutes of Texas; etc.; and declaring an emergency."

S. B. No. 123, A bill to be entitled "An Act to amend Article 5.26 of the Texas Insurance Code; providing for maximum rate of premium to be promulgated by the Board of Insurance Commissioners as to certain kinds of insurance, and deviations therefrom; etc.; and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds; providing method of paying and securing such bonds; enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds; making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, in conflict or inconsistent herewith; and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act amending Article 2906 of the Revised Civil Statutes of Texas, 1925, relating to school terms and attendance to provide that trustees of school districts of 10,000 scholastics or more may provide for late afternoon and evening school programs; making provisions in regard thereto; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act designating the State Board of Control as agent to sell and dispose of all state owned surplus and salvage personal property; authorizing the State Board of Control to utilize the

best methods for sale and disposal of state owned surplus and salvage personal property; reappropriating advertising costs to the Board; permitting inter-agency transfer of surplus property under certain circumstances; authorizing the Board of Control to delegate to other state agencies the right to sell or dispose of surplus or salvage personal property under certain circumstances; providing a means of removal from the state inventory of surplus or salvage personal property; saving certain rights and obligations; repealing certain statutes and laws; and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act to provide for the proof of business and official records by the use of photographic copies, and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act providing that whenever any land is annexed or added to any Water Improvement District, Water Control and Preservation District, Water Control and Improvement District, Fresh Water Supply District, Levee Improvement District, Drainage District and any other district organized or operating under the provision of Title 128 of the Revised Civil Statutes of Texas, 1925, and whenever the boundaries of such district are extended, the land to be annexed or added to the district may be described by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of such land; providing a repealing clause, a severability clause and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act amending Section 43 of Chapter 25, Acts of the Thirty-ninth Legislature, 1925, to increase directors' fees and to provide a limit thereon; and declaring an emergency."

S. B. No. 131, A bill to be entitled "An Act requiring the preparation and publication of an annual financial statement for each school district, junior college district, soil conservation district, road district, or any district organized under Section 52 of Article III or Section 59 of Article XVI of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

S. B. No. 484, Authorizing State

Industrial Commission to conduct program for attracting and locating industries in the state, etc.; and declaring an emergency."

S. B. No. 471, A bill to be entitled "An Act providing for the coordination of a traffic safety program, authorizing the establishment of a Traffic Safety Council for the promotion of greater safety on the public streets and highways, prescribing its powers and duties, authorizing the employment of certain personnel, the acceptance of donations and expenditure of funds, providing for the cooperation of the various Departments of the State Government, providing a saving clause, and declaring an emergency."

S. B. No. 470, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to rent, lease or convey not to exceed four acres, a part of the campus and a building thereon of said College to the City of Lubbock for the purpose of maintaining a history and art museum; authorizing said Board to dedicate streets leading to said parcel of land for public use; and making other provisions relating thereto; and declaring an emergency."

S. B. No. 150, a bill to be entitled "An Act giving preference to supplies, material or equipment produced or offered by Texas citizens in contracts made by agencies of the State for the purchase of supplies, material or equipment; providing the provisions of this Act shall be cumulative; and declaring an emergency."

S. C. R. No. 92, Judicial review of administrative decisions of the Secretary of Labor of the United States under Title III of the Social Security Act and the Federal Unemployment Tax Act.

S. C. R. No. 91, Memorializing Congress relating to Sovereignty of States regarding to natural resources.

S. C. R. No. 39, Requesting the Legislative Council to study problems and needs of physically handicapped and mentally retarded youth of Texas.

S. B. No. 333, A bill to be entitled "An Act requiring storage garages and other similar businesses to report the identity of motor vehicles remaining in storage more than thirty

days where there is not a continuing contract of storage with a known individual; providing a penalty for the violation of this Act; and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act providing for the budgeting, accounting and reporting by and for common and rural high school districts of school funds estimated, received and expended; providing for the preparation of budgets covering proposed expenditures and the form and content of such budgets; providing method for filing protests concerning such budgets and for the adoption of such budgets; providing for the filing of such budgets and reports on receipts and expenditures for the preceding year and restricting school expenditures; providing for amendment and supplementary budgets and the filing thereof; etc.; and declaring an emergency."

Vote on Senate Bill 70 Reconsidered

On motion of Senator Bracewell and by unanimous consent the vote by which the Senate concurred in House amendments to S. B. No. 70 was reconsidered.

The Senate then concurred in House amendments to S. B. No. 70 by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Willis
Kazen	Wood
Krueger	

Absent

Ratliff	Smith
Rogers	

Absent—Excused

Weinert

Senate Resolution 599

Senator Aikin offered the following resolution:

Whereas, Mr. and Mrs. W. H. Remmert have been the guiding lights of the great Masonic Home in Fort Worth since June 21, 1921, when they moved to the Home so that Mr. Remmert could become the Dean of Boys; and

Whereas, He is retiring from this great Christian role and is to be honored along with his wife at a Special Program at the June 8 and 9 Homecoming; and

Whereas, Their lives are exemplary of the courage that shows itself in gentleness, true wisdom that shows itself in simplicity, and Christian faith that finds its expression in righteousness; and

Whereas, In the Book of Saint Matthew in the Holy Bible is the wonderful promise, "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me"; now, therefore, be it

Resolved, That the Senate of the State of Texas of the Fifty-fifth Legislature wishes to commend Mr. and Mrs. W. H. Remmert on their great contribution and to wish them continued health and happiness in their life together.

WOOD
AIKIN

The resolution was read and was adopted.

House Concurrent Resolution 77 on Second Reading

On motion of Senator Moore and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 77, Legislative Council to make a study of the State Parks system.

The resolution was read and was adopted.

House Concurrent Resolution 129 on Second Reading

On motion of Senator Reagan and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 129, Enrolling Clerk to make certain corrections in H. B. No. 70.

The resolution was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of H. C. R. No. 129.

Conference Committee Report on Senate Bill 478

Senator Bradshaw submitted the following Conference Committee Report on S. B. No. 478:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 478, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BRADSHAW
ROBERTS
FLY
MARTIN
LANE

On the part of the Senate.

KELLY
DUFF
KORIOTH
BASS
FOREMAN

On the part of the House.

S. B. No. 478:

**A BILL
TO BE ENTITLED**

An Act authorizing the Texas Youth Council to relocate the site of the Blind, Deaf and Orphans School, providing the Youth Council with the authority to dispose of surplus land at the present site of the Blind, Deaf and Orphans School, allowing the Youth Council to construct new facilities for the Blind, Deaf and Orphans School, directing the Youth Council to transfer certain lands and property to and accept lands of the State Board for Hospitals and Special Schools; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Texas Youth Council is hereby authorized to relocate the State Blind, Deaf and Orphans

School now situated on Bull Creek Road in the City of Austin, Texas, to a more suitable site.

Sec. 2. From funds appropriated in the general appropriation bill, the Texas Youth Council is directed to construct a new Blind, Deaf and Orphan School.

Sec. 3. The Texas Youth Council is authorized to enter into an inter-agency contract with the Board for State Hospitals and Special Schools for the purpose of transferring the present site of the Blind, Deaf and Orphans School to the Board for Texas State Hospitals and Special Schools for use by the Hospital Board as it so needs. The Texas Youth Council is further authorized to accept by an inter-agency contract suitable land now owned or acquired by the Hospital Board for the purpose of constructing a new Blind, Deaf and Orphans School. Should the State Hospital Board not have a suitable tract of land for such purposes, then in such event the State Hospital Board shall purchase a suitable tract of land in or near Austin, Texas to be approved by the Texas Youth Council in exchange for the present facilities at the Blind, Deaf and Orphans School. The Hospital Board is authorized to purchase such site out of any funds appropriated to them by H. B. 133 of the 55th Legislature; provided, however, such monies shall not be appropriated or transferred from any medical treatment funds, for the purpose of this Act.

Sec. 4. The fact that there is a pressing need to relocate the Blind, Deaf and Orphans School in a more desirable location, and the fact that overcrowding of beds in the State Hospital System could be relieved by allowing the Youth Council to transfer facilities at the present Blind, Deaf and Orphans School to the Hospital Board, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Concurrent Resolution 101

Senator Gonzalez by unanimous

consent offered the following resolution:

S. C. R. No. 101, Recalling H. B. No. 386 from the Governor's office for further consideration.

Be it resolved by the Senate, the House of Representatives concurring, That H. B. No. 386 be recalled by the Senate from the Governor for further consideration.

The resolution was read.

Senator Gonzalez asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Gonzalez then moved to consider the resolution immediately.

The motion was lost by the following vote:

Yeas—11

Aikin	Owen
Gonzalez	Roberts
Hudson	Rogers
Kazen	Secrest
Lane	Willis
Moore	

Nays—14

Ashley	Krueger
Bracewell	Lock
Bradshaw	Martin
Colson	Moffett
Fly	Phillips
Fuller	Reagan
Hardeman	Wood

Absent

Hazlewood	Ratliff
Herring	Smith
Parkhouse	

Absent—Excused

Weinert

The resolution was then referred to the Committee on State Affairs.

**House Concurrent Resolution 123
on Second Reading**

On motion of Senator Moffett and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 123, Instructing the

State Building Commission to decline the bids for temporary air conditioning; provide that the Commission obtains written guarantees that the power unit for permanent air conditioning will be completed before October 1, 1958.

The resolution was read and was adopted.

Senate Resolution 600

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mrs. Charlott Boyd; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate, and extended the privilege of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 601

Senator Martin offered the following resolution:

Whereas, The voters of Texas at the last general election adopted H. J. R. 15, which empowers the Board of Regents of the University of Texas to invest a part of the permanent fund of the University in common stocks and other securities which are, of course, unsecured; and

Whereas, Said amendment provided that a full disclosure of all of the details concerning the investments be made by the Board of Regents; and

Whereas, The amendment was self-enacting law and accordingly no enabling legislation was passed; Now, therefore, be it

Resolved by the Senate, That the Board of Regents of the University of Texas be requested to carry out the mandate of the people and make this information in detail known to the public, as such information will ensure that even an unsafe adventure in investments might be fully known to everyone.

**MARTIN
HARDEMAN**

The resolution was read and was adopted.

Senate Resolution 602

Senator Bracewell offered the following resolution:

Whereas, The complexities of the times and the increased demands on the Legislature requires that the Senate provide physical facilities for its operation to insure the best possible environment for efficient operation; and

Whereas, It is the desire of the Senate that plans be devised and executed for the maximum utilization of the space available to the Senate for its efficient operation; now, therefore be it

Resolved by the Senate, That the President of the Senate be authorized to appoint a committee to be composed of the Lieutenant Governor and four members of the Senate to devise and carry out plans for the maximum utilization of available space in the Capitol for committee rooms, individual office space, clerks, employees and others; and be it further

Resolved, That this committee so created shall be authorized to employ an architect to survey the space available behind the Senate Chamber and Senate Gallery, as well as space adjoining the Senate Chamber, and make plans for the maximum use of available space; be it further

Resolved, That such committee, in conjunction with the Contingent Expense Committee, be authorized to make such improvements as it deems advisable in cooperation with the Board of Control.

**BRACEWELL
HERRING**

The resolution was read and was adopted.

**Senate Bill 50 with
House Amendments**

Senator Willis called S. B. No. 50 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate concur in the House amendments.

The motion prevailed.

At Ease

The Presiding Officer announced at 4:20 o'clock p.m. that the Senate would stand At Ease until 5:00 o'clock p.m. today.

In Legislative Session

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order as in Legislative Session at 5:00 o'clock p.m. today.

Senate Concurrent Resolution 102

Senator Aikin offered the following resolution:

S. C. R. No. 102, Expressing appreciation to Mr. Walter E. Long and staff of the Texas Legislative Service.

Whereas, During this, the Regular Session of the 55th Legislature, the Texas Legislative Service has presented to each Member several copies of the roster of the members of the Texas Legislature, including photographs of the members, districts and counties represented, desk numbers, and the seating arrangement of the members; and

Whereas, The House Correspondent, Mr. Finley Henderson, and the Senate Correspondent, Mr. Russell Fish, both of whom have served in this capacity for many years, have been of unlimited assistance to the members of both Houses of the Legislature throughout this 55th Regular Session; and

Whereas, In addition to the gift of these rosters, the Texas Legislative Service has placed on the desk of each member each morning a copy of its daily report, giving in a condensed form a resume of the activities in each House for the previous day, including a brief summary of each bill introduced, committee reports, bills passed, and other actions in the House and Senate; and

Whereas, These daily reports and the roster have been of great value and benefit to the members and have been furnished at no cost to the Members; and

Whereas, It is the desire of the Senate to express our sincere appreciation to Mr. Long and the members of his staff; now, therefore, be it

Resolved, By the Members of the 55th Legislature, that this be our expression, to Mr. Walter E. Long and to all the staff of the Texas Legislative Service, of our sincere grati-

tude and thanks for this worth-while service during the Regular Session of the 55th Legislature.

AIKIN

Signed—Ben Ramsey, Lieutenant Governor; Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Resolution 603

Senator Aikin offered the following resolution:

Whereas, The Historic Capitol of Texas is visited annually by hundreds of thousands of people not only from Texas but throughout the entire nation; and

Whereas, All Texans are proud of the capitol building and grounds and it is of great value to our State that they be maintained in order and befitting beauty; and

Whereas, The Senate desires to recognize the devotion and hard work on the part of Mr. A. T. Roland and those responsible for maintaining the capitol grounds; Now, therefore, be it

Resolved by the Senate of the State of Texas, That the Superintendent of Buildings and Grounds and his staff of employees be commended for the manner in which the beauty of these grounds have been kept for the people of the State of Texas, and that a copy of this resolution, with our thanks, be sent to the Superintendent of Buildings and Grounds.

BRACEWELL
AIKIN

The resolution was read and was adopted.

Message from the Governor

The following message received from the Governor's office was read

and was filed with the Secretary of the Senate:

Austin, Texas,
May 23, 1957.

To the Members of the Fifty-fifth Legislature:

In accordance with the provisions of House Concurrent Resolution No. 122, I am returning herewith House Joint Resolution No. 1.

Respectfully submitted,
PRICE DANIEL.

Bills and Resolutions Signed

The Presiding Officer announced the signing by the President pro tempore in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. J. R. No. 36, A Joint Resolution "Proposing an Amendment to Section 51a of Article III of the Constitution of the State of Texas by adding a new Subsection to be known as 51a-1; giving the Legislature the power to provide under such limitations and restrictions as may be deemed by the Legislature expedient, for assistance on behalf of persons eligible for Old Age Assistance, Aid to the Blind, and Aid to Dependent Children as provided in Section 51a of Article III, and for persons eligible for Aid to the Permanently and Totally Disabled, etc., and declaring an emergency."

H. B. No. 809, A bill to be entitled "An Act providing for the compensation of the District Attorney of the 30th Judicial District; providing method of compensation; providing for the compensation of Assistant District Attorneys and Investigators in the office of the District Attorney for the 30th Judicial District; etc., and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act establishing the Lamar County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act requiring all contracts relating to the distribution and licensing of motion pictures or films to be shown in theaters in the State of Texas, shall be construed in accordance

with the laws of this State; providing venue of suits arising out of such license agreements; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act authorizing counties to furnish building space for establishing branch crime detection laboratories by the State Department of Public Safety; directing the Department of Public Safety to establish a branch laboratory in El Paso County, Texas, on stated conditions, and making appropriations for equipping and operating the laboratory; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act amending Chapter 78, House Bill No. 64, Acts Fifty-first Legislature, Regular Session, 1949, (codified as Article 2615d, Vernon's Civil Statutes), increasing the amount of funds that the Board of Directors of the Agricultural and Mechanical College of Texas is authorized to expend from available plant funds for buildings and improvements at the adjunct of the College in Kimble County without specific authorization of the Legislature; and declaring an emergency."

H. C. R. No. 131, Suspending Joint Rules to permit either House to consider and take up at any time Senate Bill No. 17.

H. C. R. No. 69, Granting Joyce Reynolds Aherns permission to sue the State of Texas and its Prison Board.

H. B. No. 944, A bill to be entitled "An Act relating to the Court of Domestic Relations of Smith County, Texas, amending Acts of the 55th Legislature, Regular Session, 1957, Chapter 16, Section 2 and Section 9; and declaring an emergency."

H. B. No. 386, A bill to be entitled "An Act amending Article IV of the Revised Civil Statutes of Texas for 1925, as amended; relating to cities owning transportation systems, etc., and declaring an emergency."

H. B. No. 919, A bill to be entitled "An Act amending Article 5845, Revised Civil Statutes of Texas, as amended by Acts of 1949, 51st Legislature, page 1172, Chapter 586, pro-

viding for hospitalization and medical and surgical care for members of the military forces of this State who shall be wounded, disabled, or injured, or who shall contract disease or illness in line of duty while in the service of this State, etc., and declaring an emergency."

H. B. No. 583, Amending statutes relating to state institutions of higher education, "General Property Deposits," etc., and declaring an emergency.

H. B. No. 278, A bill to be entitled "An Act amending the Insurance Code of Texas, Acts 1951, Fifty-second Legislature, Chapter 21, General Provisions, by adding Article 21.46, providing for the deposit of securities, or the payment of taxes, fines, penalties, etc., as a condition precedent to doing business in this State by insurance companies organized in a State, etc., and declaring an emergency."

H. C. R. No. 115, Commending Charles E. Steward for his many years of efficient and effective service to the State of Texas.

H. B. No. 412, A bill to be entitled "An Act granting the Commissioners Court of Henderson County permission to pay out of the General Fund of said County bounties for the destruction of wolves and predatory animals; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act defining and regulating the business of giving bail in criminal and quasi-criminal cases, providing for the licensing of persons, firms and corporations who engage in that business in any county having within its boundaries a city with a population of 350,000 inhabitants according to the last preceding Federal Census, providing certain penalties, and declaring an emergency."

H. B. No. 957, Amending Section 1 of Chapter 343, Acts of the 54th Legislature (Article 2922L(8), Vernon's Texas Civil Statutes), relating to the collection of taxes in certain rural high school districts, by increasing the compensation which the tax collector may be allowed for his services; and declaring an emergency.

H. B. No. 371, A bill to be entitled "An Act creating the State Tax Study Commission; providing for the ap-

pointment of the members of said Commission; authorizing the making of a comprehensive tax study by the State Tax Study Commission; providing authority to request aid and service in making a tax study; providing for certain reports; and declaring an emergency."

H. B. No. 255, A bill to be entitled "An Act amending Article 4 of Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, Regular Session, 1943, relating to collections, payment, refusal, and dishonor of items presented to a drawee bank; and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act to revise and arrange certain statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; etc., and declaring an emergency."

(Senator Martin in the Chair.)

Bills Signed

The Presiding Officer announced the signing by the President pro tempore in the presence of the Senate after the caption had been read, the following enrolled bills subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas:

S. B. No. 229, A bill to be entitled "An Act creating a Texas Council on Migrant Labor; providing for its operation; setting out its duties and powers; providing for the establishment of an office and the appointment of an executive director and other employees; and declaring an emergency."

S. B. No. 308, A bill to be entitled "An Act amending Section 8 of Chapter 443, Acts of the Forty-fifth Legislature, Regular Session, as amended, to include all counties in the State of Texas covered by such Act; and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act making an emergency appropriation for the Water Resources Committee and declaring an emergency."

Conference Committee Report on Senate Bill 165

Senator Bracewell submitted the following Conference Committee Report on S. B. No. 165:

Austin, Texas,
May 22, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 165, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BRADSHAW
BRACEWELL
REAGAN
FLY
LOCK

On the part of the Senate.

SPILMAN
HALE
STRICKLAND
McDONALD
CONLEY

On the part of the Senate.

S. B. No. 165:

A BILL TO BE ENTITLED

An Act repealing Chapter 7 of the Insurance Code relating to fidelity, guaranty and surety and trust companies; authorizing the creation of trust companies and allowing corporations to amend their charters to operate trust companies; authorizing a foreign corporation to obtain a certificate of authority to operate a trust company for certain purposes and limited powers; providing for the applicability of Article 1524a, Vernon's Texas Civil Statutes; providing for the applicability of the provisions of The Securities Act; requiring such companies to have a fully paid-in capital of not less than \$500,000.00; regulating the taking of deposits; making the provisions of the Texas Business Corporation Act and Article 1513, R. C. S. Texas, applicable to such companies; amending Article 1 of Chapter 111 of the Texas Banking Code of 1943, as amended, which is codified as Article 342-301, Vernon's

Texas Civil Statutes, by adding the words "without giving bond as such" to subdivision (d) thereof which subdivision (d) relates to the powers of a state bank to act as guardian, receiver, trustee, executor or administrator under order or appointment of a court of record; providing for the severability of clauses; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 7 of the Insurance Code as enacted by Chapter 491 of the Acts of the 52nd Legislature, 1951, is hereby repealed.

Sec. 2. Trust companies may be created, and any corporation, however created, may amend its charter in compliance herewith, or a foreign corporation may obtain a certificate of authority to do business in Texas for the purpose

"To act as trustee, executor, administrator, or guardian when designated by any person, corporation, or court to do so, and as agent for the performance of any lawful act, including the right to receive deposits made by agencies of the United States of America for the authorized account of any individual; to act as attorney-in-fact for reciprocal or inter-insurance exchange."

Sec. 3. The provisions of Article 1524a, Vernon's Texas Civil Statutes, as amended, shall apply to such corporations.

Sec. 4. Any securities issued or sold by such companies shall be issued and sold in compliance with all of the provisions of The Securities Act, as amended, as it now exists or may hereafter be amended.

Sec. 5. Any such company must have a fully paid-in capital of not less than \$500,000.00.

Sec. 6. Any such company shall not accept demand or time deposits, except as hereinabove provided.

Sec. 7. The general laws for incorporation and governing of corporations and the provisions of the Texas Business Corporation Act and the provisions of Art. 1513 R. C. S. Texas, shall supplement the provisions of this Act and shall apply to such trust companies to the extent that they are not inconsistent herewith; provided, the provisions of Article 2.01A permitting a corporation to have more than one purpose shall not apply. The power and authority herein

conferred shall in no way affect any of the provisions of the antitrust laws of this State.

Sec. 8. Article 1 of Chapter 111 of the Texas Banking Code of 1943, as amended, which is codified as Article 342-301, Vernon's Texas Civil Statutes, is amended to read as follows:

"Article 1. Powers

"Subject to the provisions of this Code, five (5) or more persons, a majority of whom are residents of this State, may incorporate a state bank, with any one or more of all of the following powers:

"(a) To receive time and demand deposits at interest or without interest; to lend money with or without security at interest; and to buy, sell and discount bonds, negotiable instruments and other evidences of indebtedness.

"(b) To act as fiscal agent or transfer agent and in such capacity to receive and disburse money and to transfer registered and countersigned certificates of stock, bonds or other evidences of indebtedness.

"(c) To act as trustee under any mortgage or bond issue and to accept and execute any trust not inconsistent with the laws of this State.

"(d) To act under the order or appointment of any court of record as guardian, receiver, trustee, executor or administrator, and, although without general depository powers, to act as depository for any moneys paid into court without giving bond as such.

"(e) To purchase, invest in, and sell bills of exchange, bonds, mortgages and other evidences of indebtedness, and to lend money and to charge and collect interest thereon in advance or otherwise.

"(f) To receive savings deposits with or without the payment of interest.

"(g) To receive time deposits with or without the payment of interest.

"(h) To issue, sell and negotiate notes, bonds and other evidences of indebtedness, and, in addition, to issue and sell, for cash or on an installment basis, investment certificates, creating no relation of debtor and creditor between the bank and the holder, to be retired solely out of specified surplus, reserves, or special retirement account, and containing such provisions relative to yield, retirement, penalties, withdrawal values, and obligations of the issuing bank as may be approved by the Commissioner.

"A state bank shall have all incidental powers necessary to exercise its specific powers."

Sec. 9. The importance of this measure and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage.

The report was read.

On motion of Senator Bracewell and by unanimous consent the report was considered immediately and was adopted.

Conference Committee Report on House Bill 558

Senator Hudson submitted the following Conference Committee Report on H. B. No. 558:

Austin, Texas,
May 23, 1957.

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 558, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

KAZEN
HUDSON
HARDEMAN
ASHLEY

On the part of the Senate.

SPILMAN
DE LA GARZA
MURRAY
LAUREL

On the part of the House.

H. B. No. 558, A bill to be entitled An Act authorizing the appointment of a water master in any suit where the State of Texas is a party and the purpose of the suit is to determine the rights of parties to divert or use waters of a surface stream in which suit rights are asserted to divert or use such waters in not more than four (4) counties; prescribing the power, duties and authority of the water master; prescribing the jurisdiction, power and authority of the

Court in such cases; providing for the employment of necessary deputies and assistants; providing their duties; power and authority; providing for the compensation of the water master and the compensation of the deputies and assistants and other employees provided for in the Act; providing for the assessment of cost of expenses of the water master and his office; providing for the payment of such cost and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The provisions of this Act shall apply in any suit to which the State of Texas is a party and the purpose of which suit is to determine the rights of parties to divert or use the waters of a surface stream in which suit rights are asserted to divert or use such waters in not more than four (4) counties, the Court having jurisdiction over such suit is authorized to appoint a water-master with power to allocate and distribute the waters taken into judicial custody under the supervision and direction of the Court. In no event shall the Court be authorized to appoint a water master as herein provided to act both upstream and downstream from any reservoir constructed on any surface stream of this State.

Sec. 2. Under such terms and conditions as the Court may order, the water master provided for in Section 1 shall have authority to appoint such necessary deputies and assistants and to perform such duties and assume such responsibility as may be delegated to him by the Court, including the power to police the stream and advise the Court of violations of the Court's order of allocation of any waters within the judicial custody of the Court, and to incur such expenses as the Court may deem necessary.

Sec. 3. The compensation of the water master and his staff shall be fixed by the Court, and the cost and expense of the water master and his office including all salaries and expenses authorized and approved by the Court shall be assessed by the Court monthly, or at such time intervals as may be ordered by the Court against all persons receiving an allocation of the waters taken into

judicial custody. Such assessment of cost shall be based either on an acreage basis, an acre foot of allocated water basis, a per capita basis or such other basis as the Court after notice and hearing may determine to be the most equitable distribution of cost.

Sec. 4. In determining the distribution of cost and expenses provided for in Section 3, the costs are not to be considered as ordinary court costs to be taxed in the manner otherwise provided by law, but are to be considered as costs necessary to protect the rights and privileges of the parties receiving allocations of water during the pendency of the litigation and shall be borne by such parties. If the costs assessed pursuant to the provisions of Section 3 of this Act are not paid within the time prescribed by the Court, the Court may after notice and hearing withdraw or limit allocations of water to any party failing or refusing to pay its share of such cost until all costs assessed against such party are paid in full.

Sec. 5. The Court having jurisdiction of any suit described in Section 1 of this Act in addition to all other jurisdiction, powers and authority provided for by the Constitution and Laws of this State may withdraw or limit allocations of water to any party who violates any order of the Court for such time as such party continues his violation.

Sec. 6. The provisions of this Act shall be cumulative of all other laws or parts of law, general or special.

Sec. 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 8. The fact that the provisions of this Act are necessary to the conservation of surface waters of this State and to the protection of correlative rights therein, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

At Ease

The Presiding Officer announced at 5:15 o'clock p.m. that the Senate would stand At Ease for fifteen minutes.

In Legislative Session

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order at 5:30 o'clock p.m. today.

House Concurrent Resolution 133 on Second Reading

On motion of Senator Bracewell and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 133, Enrolling Clerk to amend caption of H. B. No. 604.

The resolution was read and was adopted.

Senate Resolution 604

Senator Lock by unanimous consent offered the following resolution:

Whereas, The Congress of the United States is considering the largest peace-time budget in history; and

Whereas, It is believed that substantial reductions may be made therein without impairing our national security and economy; and

Whereas, The American taxpayers are being assessed to support foreign countries whose ideals and concepts of government are contrary to ours and often inimical; and

Whereas, There is no provision of the Constitution of the United States authorizing such taxation for such purpose; now, therefore, be it

Resolved by the Senate of Texas, That the Congress of the United States be requested to appoint a committee to study and report on the feasibility and legality of continuing the foreign aid program.

The resolution was read.

Senator Lock moved to consider the resolution immediately.

Pending explanation by Senator Lock of S. R. No. 604 Senator Fuller raised the point of order that the motion by Senator Lock to take up and consider immediately S. R. 604 is not debatable but that only a limited explanation of the resolution to which the motion applies is permissible.

The Presiding Officer (Senator Hardeman in the Chair) sustained the point of order.

Pending further explanation by Senator Lock of S. R. No. 604, Senator Fuller raised the point of order that Senator Lock had completed the limited explanation of the resolution permitted under the rules of the Senate and was no longer entitled to the floor.

The Presiding Officer (Senator Hardeman in the Chair) overruled the point of order.

Pending further explanation by Senator Lock of S. R. No. 604, Senator Phillips raised the point of order that the duly elected President Pro Tempore being present, Senator Hardeman is not entitled to preside.

The Presiding Officer (Senator Hardeman in the Chair) ruled that, under Senate Rule 5, the Senator named by the President Pro Tempore to perform the duties of the Chair is entitled to preside until the Lieutenant Governor or the President Pro Tempore resumes the Chair or the Senate, by majority vote, elects another Member to preside.

Pending further explanation by Senator Lock of S. R. No. 604, Senator Roberts raised the point of order that Senator Lock had completed the limited explanation of S. R. 604 permitted under the rules of the Senate and was no longer entitled to the floor.

The Presiding Officer (Senator Hardeman in the Chair) overruled the point of order.

Question—Shall S. R. No. 604 be considered immediately?

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 23, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 102, Commending the Texas Legislative Service.

H. C. R. No. 132, Granting permission to the Medical-Professional Building Corporation, Corpus Christi, Texas, and certain other property owners in San Patricio County, Texas, to sue the State.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 605

Senator Phillips offered the following resolution:

Whereas, Miss Mary Jacobs, Mrs. Ada Baxter, Mrs. Rose Mary Galloway, and Mrs. Louella Edlar have served the Senate faithfully and efficiently as receptionists and telephone operators during the session of the Legislature; and

Whereas, It is the desire of the Senate to express its sincere appreciation for the conscientious manner in which these fine ladies have performed their duties; now, therefore, be it

Resolved, That we thank them for their courtesies, and that an official copy of this resolution, bearing the official seal of the Senate, be mailed to each of them.

PHILLIPS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Ashley and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.
(President pro tempore in the Chair.)

Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 403, A bill to be entitled "An Act making an appropriation to the Runnels County Water Improvement District; and declaring an emergency."

H. B. No. 864, A bill to be entitled "An Act authorizing the Texas Board of Water Engineers to study the cause of natural pollution to the tributaries of the Red River and to study means to eliminate such pollution; and appropriating Fifty Thousand Dollars for such purpose and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new Article to be called Article 7436a; providing for declaratory judgment suits to be brought against the State to determine if the Anti-Trust Laws of the State are being violated or if they will be violated; providing for a fee as cost for filing such suit, and making all provisions necessary thereto; and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act concerning the trial and commitment to a State Mental Hospital of insane persons where insanity is raised as a defense or as a bar in a prosecution for a criminal offense; providing for treatment in a mental hospital of mentally ill prisoners; clarifying the status of mentally ill persons not charged with a criminal offense; providing for crediting of time in a mental hospital to the sentence of a prisoner; amending Article 34 of the Texas Penal Code; repealing certain statutes and laws; and declaring an emergency."

H. B. No. 332, A bill to be entitled "An Act amending Section 2A of Acts 1930, 41st Legislature, Fifth Called Session, Chapter 18, as amended by Acts 1931, 42nd Legislature, Regular Session, Chapter 27, as amended by Acts 1933, 43rd Legislature, First

Called Session, Chapter 56, as amended by Acts 1935, 44th Legislature, Regular Session, Chapter 342, as amended by Acts 1947, 50th Legislature, Regular Session, Chapter 370, as amended by Acts 1949, 51st Legislature, Regular Session, Chapter 70; as amended by Acts 1953, 53rd Legislature, Regular Session, Chapter 111, to provide for the issuance by the Department of temporary registration permits for any truck, truck-tractor, trailer, or semi-trailer which is being temporarily operated by non-resident owners thereof in Texas for the purpose of transporting farm products produced outside of Texas to market, storage, processing plant, railhead or seaport within Texas; etc., and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act authorizing the Texas Highway Department to expend money for the purchase of right-of-ways and right-of-way easement for State Designated Highways under certain conditions; providing limitations; providing for contributions from counties, cities, and other political subdivisions of the State authorized to purchase right-of-ways; making other provisions relating thereto; providing a severability clause; and declaring an emergency."

H. B. No. 913, A bill to be entitled "An Act amending Title 71, Chapter 1, Acts 1927, 40th Vernon's Annotated Civil Statutes, establishing the qualifications for the office of the Commissioner of Health of the State of Texas, repealing conflicting laws, and declaring an emergency."

H. C. R. No. 45, Granting Nash Gasoline Company permission to sue the State of Texas.

H. J. R. No. 1, Proposing an amendment to Section 5 and 24 and authorizing a new Section of Article III of the Constitution of the State of Texas so as to provide for annual sessions of the Legislature; changing the compensation, per diem and travel expense of the members of the Legislature; authorizing temporary residence of the Lieutenant Governor and Speaker of the House in the Capitol; providing for an election; prescribing the form of ballot and providing for the necessary proclamation and publication.

H. C. R. No. 129, Enrolling Clerk make certain corrections in H. B. No. 70.

H. B. No. 887, A bill to be entitled "An Act creating additional district courts in Dallas County, Texas, to be known as the 141st Judicial District; etc.; and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to provide for the rehabilitation, clearance, and redevelopment of slums and blighted areas in cities in this state; and providing a referendum in certain instances; to define the duties, liabilities, exemptions and powers of such cities in undertaking such activities, including the power to acquire and dispose of property, to exercise the power of eminent domain, to issue bonds and other obligations and give security therefor, etc.; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to facilitate the construction, maintenance and operation of State Highways; to amend Title 116, Chapter 1, Revised Civil Statutes of Texas, of 1925, as amended, by adding thereto a new article; declaring the Legislature's mandate that more and better State Highways particularly of the controlled access type, be laid out and constructed, and to provide necessary powers thereto as specified herein; empowering the State Highway Commission in exercising powers within corporate limits and qualifying the exclusive dominion of incorporated cities, towns and villages within certain limits; and declaring an emergency."

S. B. No. 175, A bill to be entitled "An Act providing for the budgeting, accounting and reporting by any and all independent school districts, whether created under General or Special Law, of school funds estimated, received and disbursed; providing for the preparation of budgets covering proposed expenditures and the form and content of such budgets; etc.; and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act defining and redefining the offense of bribery and accepting a bribe; designating the persons who may be prosecuted hereunder for accepting, offering or agreeing to accept a bribe and for giving, agreeing and offering to bribe; stating the acts that constitute bribery and accepting

a bribe; prescribing a penalty; and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act to amend Chapter 156, Acts of the 40th Legislature, Regular Session, 1927 (Article 200a, Vernon's Texas Civil Statutes), relating to administrative judicial districts, by adding thereto a section to be known as Section 5a, providing in case of assignment it shall be the duty of the district judge to serve, unless for good cause he is excused; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act amending the Insurance Code of the State of Texas by deleting therefrom the authority of surety and guaranty companies to act as trustees, assignees, executors, administrators, guardians, or receivers; repealing Subchapter B of Chapter 7 of the Insurance Code of the State of Texas."

S. B. No. 50, A bill to be entitled "An Act amending Article 1583-2 of the Penal Code of Texas, as amended, relating to minimum wages of firemen and policemen in cities of ten thousand or more inhabitants, by increasing longevity pay from \$2.00 per month to \$3.00 per month; also making certain textual rearrangements; providing for the effective date of the increase in each city; and declaring an emergency."

S. B. No. 24, A bill to be entitled "An Act concerning the management, control, and disposition by a married woman of her separate property, both real and personal, including her right to contract and be contracted with and to sue and be sued; amending Articles 4614, 4616, 4623, 4617, 4618, and 1984, Revised Civil Statutes, 1925, as amended; providing a savings clause; etc.; and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act limiting the filing fee of candidates in counties of 800,000 or more to a sum of not to exceed 5% of one year's salary, and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act to amend Section 23 of Chapter 25, Act of the 39th Leg., 1925 (codified by Vernon as Article 7880-23, V.C.S.), by providing that all qualified voters shall have the right to vote in elections to confirm the

organization of water control and improvement districts, validating organizational proceedings of water control and improvement districts and political subdivisions where the law required the holding of a confirmation election in accordance with the provisions of the general law governing water control and improvement districts, validating other proceedings pertaining to the issuance of bonds, validating bonds heretofore approved by the Attorney General of Texas, and declaring an emergency."

S. B. No. 478, A bill to be entitled "An Act authorizing the State Youth Council to relocate the site of the Blind, Deaf and Orphans School, providing the Youth Council with the authority to dispose of surplus land at the present site of the Blind, Deaf and Orphans School, allowing the Youth Council to construct new facilities for the Blind, Deaf and Orphans School, directing the Youth Council to transfer certain land of the State Board for Hospitals and Special Schools, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act amending Article III of Section 1, subdivision (4), paragraph "a," of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, to redefine the words 'mentally retarded children'; and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act amending Articles 1.02, 1.03, 1.04, 1.05, 1.06, 1.08, and 1.09, of the Insurance Code, same being Acts of the 52nd Legislature, R. S. (1951), Chapter 491, p. 868, as amended; by creating the Board of Insurance Commissioners of Texas; providing for the appointment, bond, and compensation of the members of said Board; prescribing their qualifications and terms of office, and the manner in which they shall operate; etc.; and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and

the Attorney General; etc.; and declaring an emergency."

S. C. R. No. 100, Establishing the Industrial Occupational Safety Commission, etc.

S. C. R. No. 102, Recalling H. B. 386 from the House for further consideration.

H. C. R. No. 77, Requesting the Texas Legislative Council to undertake a comprehensive study of the State Parks System.

H. B. No. 14, A bill to be entitled "An Act amending Article 1817, Revised Civil Statutes of Texas, 1925, so as to change the location of the Court of Civil Appeals for the First Supreme Judicial District from the City of Galveston to the City of Houston and making provision for suitable rooms for such Court and for the justices thereof; providing for the temporary conduct of business at either the City of Galveston or the City of Houston but providing that the change of location from the City of Galveston to the City of Houston shall be completed by January 1, 1958; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act amending Article 2833, Revised Civil Statutes of Texas, 1925; providing for stopping payments to the school district from the State of Texas for failing to comply with this provision; prescribing penalties for filing a false report and establishing venue for prosecution therefor; etc."

H. B. No. 521, A bill to be entitled "An Act amending Article 888 of the Penal Code of Texas, relating to permits for the killing of wild birds and animals to prevent depredation, by adding provisions relative to the disposition of carcasses of deer killed under authority of such permits; providing a penalty; providing for severability; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act amending Acts of 1951, 52nd Legislature, Page 283, Chapter 165, codified as Article 5139A under Vernon's Civil Statutes, Section 1, so as to increase the county population to include those counties of 45,000 and less which are in a Judicial District having five or more

counties with a combined total population of not less than 68,000 inhabitants according to the last preceding Federal Census and providing the compensation and method of payment of the Juvenile Boards of the counties affected by this Act; and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act amending Section 10, House Bill 374, Acts 1955, 54th Legislature, Regular Session, Page 1137, Chapter 427, fixing compensation of District and Criminal District Judges in certain counties to be paid out of county funds, in addition to amounts paid out of state revenue; and declaring an emergency."

H. C. R. No. 123, Instructing the State Building Commission to decline the bids for temporary air conditioning, provide that the Commission obtains written guarantees that the power unit for permanent air conditioning will be completed before October 1, 1958.

H. B. No. 940, A bill to be entitled "An Act creating a Juvenile Court and a Court of Domestic Relations in Dallas County, Texas; etc.; and declaring an emergency."

H. C. R. No. 71, Granting approval to the Board of Directors of the Agricultural and Mechanical College of Texas to expend certain funds received pursuant to provisions of Section 18, Article VII, Constitution of Texas, as amended.

H. B. No. 153, A bill to be entitled "An Act amending Section 19 of Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended by Section 4 of Chapter 107, Acts of the 40th Legislature, 1st Called Session, 1927 (codified as Article 7880-19) so as to prescribe the procedure for granting or refusing a petition for the organization of a water control and improvement district; etc.; and declaring an emergency."

H. C. R. No. 133, Enrolling Clerk be instructed to conform caption of H. B. No. 604 to its body.

H. B. No. 939, A bill to be entitled "An Act relating to cities which have annexed territory within water control and improvement or supply districts, where such district lies in more than one city; providing that such cities shall succeed to the powers,

duties, assets and obligations of such districts; providing that such districts may be abolished by mutual agreement of the cities wherein such district lies; providing such cities may issue refunding bonds in its own name to refund any obligation assumed by it; making other provisions relating thereto; and declaring an emergency."

H. B. No. 265, A bill to be entitled "An Act amending Section 1, Chapter 196, Acts of the Forty-third Legislature, Regular Session, 1933, as amended by Chapter 218, Acts of the Fiftieth Legislature, Regular Session, 1947, respecting the rates of tuition or registration fees to be charged by the institutions of higher education supported in whole or in part by the public funds appropriated from the State Treasury; etc.; and declaring an emergency."

H. B. No. 186, A bill to be entitled "An Act amending subdivisions (a) and (b) of Article II of Chapter 467, Acts of the Second Called Session of the 44th Legislature, as amended by Senate Bill 117, Acts of the 48th Legislature, Regular Session, 1943, Chapter 325, codified in Vernon's as Article 667-6, Vernon's Penal Code, so as to require a person desiring to be licensed to manufacture, distribute, or sell beer to publish in newspapers notice of his application; making other provisions relating thereto; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act repealing Section 4 of Chapter 206, General Laws of the Forty-second Legislature, Regular Session, 1931 (Article 689a-3, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 836, A bill to be entitled "An Act to amend Section 6 of Chapter 302, Acts of the 42nd Legislature, 1931, as amended by Chapter 156, Acts of the 44th Legislature, 1935, relating to the Probation Department and the County Juvenile Board and their duties and authorities in counties having a population in excess of 350,000 inhabitants according to the last preceding or any future Federal Census, to provide that a county probation officer who is appointed as supervising head of county institutions shall receive a stipulated salary in addition to his salary as coun-

ty probation officer; providing a severability clause; and declaring an emergency."

H. B. No. 604, A bill to be entitled "An Act creating the 120th and 121st District Courts, composed of Harris County; etc.; and declaring an emergency."

H. B. No. 930, A bill to be entitled "An Act providing for the creation of a County Probation Department in and for Wichita County, Texas; providing for the appointment of a Chief Probation Officer, and such assistant probation officers as are determined to be necessary, by the Wichita County Juvenile Board, and providing for the fixing of salaries for all personnel of the Wichita County Probation Department by the Wichita County Juvenile Board; providing for the term of appointments of the Chief Probation Officer and his assistants; providing for the certification of expenses incurred by all Wichita County probation officers, by the Juvenile Board; providing for the raising of funds for operation of the Wichita County Probation Department by Wichita County Commissioners Court in accordance with the needs; etc.; and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act to amend Chapter 325, Acts of the Fiftieth Legislature, 1947 (Vernon's Annotated Civil Statutes, Article 1269m), by amending Section 2 thereof by redefining 'Firemen' and 'Policemen'; and by amending Section 12 thereof by stopping the creation in the future of new classified positions unless established by ordinance; and by amending Section 13 thereof by providing that the results of examinations for promotion shall be published within twenty-four (24) hours; etc.; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act authorizing the appointment of a water master in any suit to determine the rights of one hundred or more parties to divert or use water of a surface stream in which suit rights are asserted to divert or use such water in four or more counties; prescribing the power, duties and authority of the water master; prescribing the jurisdiction, power and authority of the court in such cases; providing for the employment of necessary deputies and assistants; providing their duties, powers and authority; provid-

ing for the compensation of the water master and the compensation of the deputies and assistants and other employees provided for in the Act; providing for the assessment of cost of expenses of the water master and his office; providing for the payment of such costs and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency."

H. B. No. 486, A bill to be entitled "An Act creating three (3) additional District Courts in and for Bexar County, Texas, to be known as the 146th, 147th and 150th District Courts; etc., and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act regulating the labeling and sale of hazardous substances for the protection of the public health in the State of Texas, repealing Article 726 of the Penal Code of Texas, and all other laws in conflict herewith; prescribing penalties; and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act amending an act of the 48th Legislature, 1943, Page 619, Chapter 358, creating municipal pension systems in all cities in this State having a population of three hundred eighty-four thousand or more according to any preceding or future federal census, as the same may have been amended from time to time, and declaring an emergency."

H. B. No. 244, A bill to be entitled "An Act increasing certain fees chargeable by Clerks of the District Courts under Article 3927, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1941, 47th Legislature, Page 641, Chapter 387, Section 1, as amended by Acts of 1945, 49th Legislature, Page 662, Chapter 368, Section 3, Article 3928, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1941, 47th Legislature, Page 641, Chapter 387, Section 2; Article 4499, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1953, 53rd Legislature, Page 1029, Chapter 426, Section 2, so as to increase such fees in an amount equal to fifty per cent (50%) computed to the largest even cent, of the fees chargeable under such laws as they existed on January 1, 1957, providing

that such increased fees shall not inure to the benefit of any individual, but in counties operating on a salary basis, the same shall go into the Officers Salary Fund, and in counties operating on a fee basis, the same shall be accounted for to such counties as fees of office; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 433, A bill to be entitled "An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain sections of Articles 8306, 8306a, 8307, and 8309, Revised Civil Statutes of 1925, as amended; etc.; and declaring an emergency." Subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas.

Senate Notified

A committee from the House of Representatives appeared at the Bar of the Senate and Mr. Koriath for the committee notified the Senate that the House was ready to adjourn sine die.

Senate Resolution 606

Senator Aikin offered the following resolution:

Be it resolved by the Senate, That the President appoint a committee of three Members of the Senate to notify the House of Representatives that the Senate is ready to adjourn sine die.

The resolution was read and was adopted.

Accordingly the President Pro Tempore announced the appointment of the following as a committee to notify the House:

Senators Fuller, Herring and Colson.

Senate Resolution 607

Senator Aikin offered the following resolution:

Be it resolved by the Senate, That the President appoint three Members of the Senate to notify the Governor that the Senate is ready to adjourn sine die.

The resolution was read and was adopted.

Accordingly the President Pro Tempore announced the appointment of the following as a committee to notify the Governor:

Senators Moffett, Aikin and Kazen.

Governor Notified

The committee to notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Aikin for the committee reported that the committee had performed the duty assigned it.

House Notified

The committee to notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Fuller for the Committee reported that the committee had performed the duty assigned it.

Adjournment Sine Die

The President Pro Tempore announced that the hour fixed by concurrent action of the House and Senate for final adjournment of the Regular Session of the Fifty-fifth Legislature had arrived.

Senator Colson moved that the Senate stand adjourned sine die.

The motion prevailed and the President Pro Tempore declared the Regular Session of the Fifty-fifth Legislature adjourned sine die at 6:00 o'clock p.m.

In Memory of
William M. Forrest

Senator Colson offered the following resolution:

(Senate Resolution 588)

Whereas, The town of Midway, the County of Madison and the State of Texas suffered an irreparable loss in the passing on May 11, 1957 of William M. Forrest; and

Whereas, Mr. Forrest was born in Midway on May 6, 1872, the son of Captain and Mrs. G. B. Forrest, and spent all of his days in this vicinity; and

Whereas, After attending Southwestern University in Georgetown, Texas, he began his lifelong vocation of farming and ranching, always specializing in the production of cotton and utilizing more acres of land for this crop than any other farmer in the county; and

Whereas, Mr. Forrest was an active member of the Midway Methodist Church, the Masonic Lodge, the Shrine and the Order of the Eastern Star; and

Whereas, He also rendered invaluable service in public office as County Commissioner of the Midway Precinct and served as a member and President of the Board of Directors of the Bryan Production Credit Corporation; and

Whereas, The fact that Mr. Forrest was lovingly known as "Mr. Will" by all of his acquaintances, regardless of age, race, color or creed, bespeaks his honesty, kindness and integrity; and

Whereas, Mr. Forrest was a faithful husband and father and expended his wealth of human resources for the common good; now, therefore, be it

Resolved, by the Senate of the 55th Legislature of the State of Texas, That we extend our sincere and heartfelt sympathy to his esteemed family and that we express appreciation for his valuable services by directing that a page in the Senate Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his wife; his son, W. M. Forrest, Jr.; his three daughters, Mrs. Paul Harper, Mrs. J. P. Harrison and Mrs. Clint Wakefield; his six grandchildren and great-grandson; and that when the Senate adjourns today, it do so in solemn tribute to Mr. William M. Forrest, whose life and works will live long in the memory of this State and in the memory of his multitude of friends.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
C. E. Dinkle

Senator Roberts offered the following resolution:

(Senate Resolution 589)

Whereas, In the passing of a distinguished and honored Texan, the people of the State of Texas, and in particular the people of Greenville, Hunt County, Texas, have suffered an irreparable loss in the calling of C. E. Dinkle to his Heavenly Reward; and

Whereas, C. E. Dinkle was born November 14, 1876, in Pittsburg, Texas, and was a resident of Greenville since the age of eight; and

Whereas, This outstanding citizen served in the Legislature from 1921 through 1926; he was a devout Christian, being one of the oldest members of the First Baptist Church where he was director of the choir more than fifty years, and was a member of the Board of Deacons at the time of his death; and

Whereas, His service to his home, the City of Greenville, and Hunt County, and his participation, advice, and counsel as one of its most capable leaders will be sorely missed; and

Whereas, Mr. Dinkle was a man of great courtesy and kindness; he was a leader in civic affairs; being president of the Texas Associated bureau of Retail Merchants Association for three terms; he was a member of the State Board three years; he was a charter member of the Greenville Rotary Club and was its first secretary and a past president. He was deeply interested in the education of the young people and pushed all projects pertaining to youth; and

Whereas, This man through his wise and sound business principles, plus a deep faith in his fellowman, was the successful operator of the Retail Merchants Credit Association in Greenville for many years; and was known throughout Texas for the establishment and promotion of credit bureau activities; he was one of the organizers of the company which built the Washington Hotel in Greenville, and served as a member of its board of directors; and

Whereas, This beloved man is survived by his wife, two children, Mrs. Dale Hooten, Fort Worth, and C. E. Dinkle, Jr., Albuquerque, N. M.; four grandchildren, two great-grandchildren and one sister, Mrs. Henry Leiber, Phoenix, Arizona; and

Whereas, The Senate further recognizes that C. E. Dinkle was widely respected and enjoyed a special place in the heart of all who knew him; and was a great and good man, loyal and true to his family and friends; and had a happy faculty of doing a maximum of good with a minimum of publicity; now, therefore, be it

Resolved, That it is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and to extend to his family its most sincere sympathy; and, now, therefore, be it finally

Resolved, That a copy of this resolution be sent to the surviving members of his family as a token of respect and sympathy; and that when the Senate adjourns today it do so in his honor and memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Thomas E. Ramsey

Senator Moffett offered the following resolution:

(Senate Resolution 598)

Whereas, On May 22, 1957, the Creator in His infinite wisdom called from his earthly labors Major Thomas E. Ramsey, U. S. Army; and

Whereas, Major Ramsey, a member of an illustrious East Texas pioneer family, was born in July, 1919, at San Augustine, Texas, being the youngest son of Judge and Mrs. W. C. Ramsey and the youngest brother of Lieutenant Governor Ben Ramsey; and

Whereas, In fulfillment of his desire to obtain the benefits of higher education, he attended the University of Texas for a period of two and one-half years, after which he was appointed a Cadet at the U. S. Military Academy at West Point; following graduation from that outstanding institution, he was assigned to overseas duty. During this period of his military service, through a competitive examination he became one of the upper four in the class selected to return to the States for additional specialized training at the University of Southern California; and

Whereas, Upon completion of this training, he was sent to Fort Bliss, Texas, for selective special instruction in security work for the military services; he was next assigned to overseas service in Japan where he spent three years on resident duty; and

Whereas, Major Ramsey returned to the States in the summer of 1956 and was assigned for duty in September of that year at Mount Pleasant, Michigan, as an instructor in the Reserve Officers Training Corps; and

Whereas, He became ill in December, 1956, and was later admitted to Walter Reed Hospital in Washington, D. C., where he departed this life; and

Whereas, Throughout an honorable career in the military service, Major Ramsey endeared himself to the hearts of all with whom he came in contact, his service being of a character that reflected honor upon both himself and his country; and

Whereas, His death in the full flower of his manhood constitutes an irreparable loss to the State and Nation; now, therefore, be it

Resolved, by the Senate of the 55th Legislature of the State of Texas, That we extend our sincere and heartfelt sympathy to his esteemed family and that we express appreciation for his invaluable contributions to his fellowman by directing that a page in the Senate Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his widow, Mrs. Gayle Ramsey; the four children, Letitia, William, Elaine, and Mary; his mother, Mrs. W. C. Ramsey of San Augustine, Texas; three sisters, Mrs. Pierre Stine of Henrietta, Texas, Mrs. L. D. Mitchell and Mrs. Roland Bigley, both of San Augustine, Texas; three brothers, C. S. Ramsey, George Ramsey, and Ben Ramsey, who is our esteemed presiding officer of the Texas Senate, all of San Augustine, Texas; and that when the Senate adjourns today, it do so in solemn tribute to Major Thomas E. Ramsey, whose dedicated life and distinguished service will live long in the memory of this State and Nation.

Signed—Moffett, Colson, Lock, Phillips, Ashley, Martin, Krueger, Kazen, Lane, Ratliff, Herring, Gonzalez, Roberts, Aikin, Hardeman, Bradshaw, Bracewell, Fly, Parkhouse, Smith, Hazlewood, Fuller, Reagan, Moore, Owen, Wood, Weinert, Hudson, Rogers, Willis, and Secrest.

The resolution was read and was adopted by a rising vote of the Senate.

APPENDIX

COMMITTEES FOR THE AD INTERIM

The President of the Senate made the following appointments for the Ad Interim Committees on the part of the Senate:

Texas Legislative Budget Board

Senators Dorsey B. Hardeman and Crawford C. Martin. Lieutenant Governor Ben Ramsey is Chairman and Senator William S. Fly as Chairman of the Finance Committee and Senator Wardlow Lane as Chairman of the Committee on State Affairs are also members under the Act creating the Board.

Texas Legislative Council

Senators Neveille H. Colson, George Moffett, Abraham Kazen, Jr., Bruce Reagan and Grady Hazlewood. Lieutenant Governor Ben Ramsey is Chairman under the Act creating the Council.

Senate General Investigating Committee

Senators Charles F. Herring, Chairman, Culp Krueger, Frank Owen III, Jarrard Secrest and Grady Hazlewood.

Committee to Study Public Schools System of Texas

Senators George Parkhouse, A. M. Aikin, Jr., and Floyd Bradshaw and J. W. Nixon, Superintendent of Schools, Laredo, Texas; John Ben Shepperd, Odessa, Texas; and Lewis B. Taylor, Austin, Texas.

State Tax Study Commission

Senators William S. Fly, Ottis E. Lock, and David W. Ratliff.

Committee to Study and Recommend Legislation to Aid Aged Citizens

Senators Searcy Bracewell, Hubert Hudson, Crawford C. Martin, Doyle Willis and Bill Wood.

Citizens Advisory Committee

Morris Cobb, Amarillo, Texas; Frank Denius, Austin, Texas; Robert Howard, Lubbock, Texas; C. Y. Mills, Mission, Texas; Dan Moody, Jr., Austin, Texas and W. Dyer Moore, Jr., El Paso, Texas.

Committee to Utilize Available Space in Capitol Building

Senators Searcy Bracewell, Charles Herring, Jimmy Phillips, and Preston Smith. Lieutenant Governor Ben Ramsey is Chairman as provided in the resolution creating the Committee.

Committee on Conservation of Paintings

Senators Dorsey B. Hardeman and Ray Roberts.

Committee to Select Sites for the Archives Building and the Texas Employment Commission Building (as provided in H. B. 133) and the Insurance Building (as provided in S. B. 222)

Senators Searcy Bracewell, Abraham Kazen, Jr., Ottis E. Lock, Crawford C. Martin and Jimmy Phillips.

Advisory Committee to the Texas Research League

Senator Crawford C. Martin.